

Amendment 73

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Citation 1

Text proposed by the Commission

vu le traité sur le fonctionnement de l'Union
européenne, et notamment son article **114**,

Amendment

vu le traité sur le fonctionnement de l'Union
européenne, et notamment son article **167**,

Or. fr

Amendment 74

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Citation 1 a (new)

Text proposed by the Commission

Amendment

***Having regard to the Charter of Fundamental
Rights of the European Union, and in
particular Articles 11, 14, 16, 17, 38 thereof,***

Or. en

Amendment 75

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) Le traité prévoit *l'établissement d'un marché intérieur et l'instauration d'un système propre à empêcher les distorsions de concurrence* dans le *marché intérieur*.

L'harmonisation des dispositions législatives des États membres sur le droit d'auteur et les droits voisins devrait *contribuer davantage à la réalisation de ces objectifs*.

Amendment

(1) Le traité prévoit *que l'Union, dans le respect des compétences des États membres, doit contribuer à l'épanouissement des cultures des États membres* dans le *respect de leur diversité nationale et régionale*.

L'harmonisation des dispositions législatives des États membres sur le droit d'auteur et les droits voisins devrait *participer de la préservation de cette diversité culturelle*.

Or. fr

Amendment 76

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The directives which have been adopted in the area of copyright and related rights provide for a **high level of protection for rightholders and create a framework wherein the exploitation of works and other protected subject-matter can take place. This harmonised legal framework contributes to the good functioning of the internal market; it stimulates innovation, creativity, investment and production of new content, also in the digital environment. The protection provided by this legal framework also contributes** to the Union's objective of respecting and promoting cultural diversity while at the same time bringing the European common cultural heritage to the fore. Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action.

Amendment

(2) The directives which have been adopted in the area of copyright and related rights provide for a **harmonised legal framework, which contributes to the good functioning of the internal market. This legal framework should however be updated, taking into account new digital technologies that pose new challenges in finding the right balance between the protection of intellectual property rights and the new possibilities for consumers and businesses to create, innovate, access and exchange copyright-protected works and other subject matter. Furthermore, it should be acknowledged that there is an increasing number of cases where copyright hampers innovation and creativity rather than fostering them. An updated legal framework would contribute to the general public goal of increasing access to, and favouring the dissemination of, creative content, information and knowledge, and** to the Union's objective of respecting and promoting cultural diversity while at the same time bringing the European common cultural heritage to the fore. Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action.

Or. en

Amendment 77

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Les directives adoptées dans le domaine du droit d’auteur et des droits voisins **assurent** un niveau élevé de protection aux titulaires de droits et instaurent un cadre permettant l’exploitation des œuvres et autres objets protégés. Ce cadre juridique **harmonisé contribue au bon fonctionnement du marché intérieur; il stimule** l’innovation, la créativité, l’investissement et la production de nouveaux contenus, y compris dans l’environnement numérique. La protection qu’il assure soutient également l’objectif de l’Union qui consiste à respecter et à promouvoir la diversité culturelle tout en mettant en évidence l’héritage culturel commun de l’Europe . L’article 167, paragraphe 4, du traité sur le fonctionnement de l’Union européenne impose à l’Union de tenir compte des aspects culturels dans son action.

Amendment

(2) ***Les traditions constitutionnelles des Etats membres, ainsi que*** les directives ***européennes*** adoptées dans le domaine du droit d’auteur et des droits voisins ***ont pour but d’assurer*** un niveau élevé de protection aux titulaires de droits et instaurent un cadre permettant l’exploitation des œuvres et autres objets protégés. Ce cadre juridique ***devrait permettre la préservation du patrimoine culturel et assurer le rayonnement des industries culturelles et créatives, l’objectif étant de stimuler*** l’innovation, la créativité, l’investissement et la production de nouveaux contenus, y compris dans l’environnement numérique. La protection qu’il assure soutient également l’objectif de l’Union qui consiste à respecter et à promouvoir la diversité culturelle tout en mettant en évidence l’héritage culturel commun de l’Europe . L’article 167, paragraphe 4, du traité sur le fonctionnement de l’Union européenne impose à l’Union de tenir compte des aspects culturels dans son action.

Or. fr

Amendment 78
Daniel Buda

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Directivele adoptate în domeniul dreptului de autor și al drepturilor conexe asigură un nivel ridicat de protecție a titularilor de drepturi și creează un cadru în care poate avea loc exploatarea operelor și a altor obiecte protejate. Prezentul cadru juridic armonizat contribuie la buna funcționare a pieței interne, stimulând inovarea, creativitatea, investițiile și producerea de conținut nou, inclusiv în mediul digital. Protecția oferită de prezentul cadru juridic contribuie, de asemenea, la obiectivul Uniunii de a respecta și a promova diversitatea culturală și, în același timp, de a aduce în prim-plan patrimoniul cultural comun european. Articolul 167 alineatul (4) din Tratatul privind funcționarea Uniunii Europene conține cerința ca Uniunea să țină seama de aspectele culturale în acțiunile sale.

Amendment

(2) Directivele adoptate în domeniul dreptului de autor și al drepturilor conexe **contribuie la funcționarea pieței interne**, asigură un nivel ridicat de protecție a titularilor de drepturi, **facilitează procesul de obținere a drepturilor** și creează un cadru în care poate avea loc exploatarea operelor și a altor obiecte protejate. Prezentul cadru juridic armonizat contribuie la buna funcționare a pieței interne, stimulând inovarea, creativitatea, investițiile și producerea de conținut nou, inclusiv în mediul digital, **urmărind a se evita fragmentarea pe piața internă**. Protecția oferită de prezentul cadru juridic contribuie, de asemenea, la obiectivul Uniunii de a respecta și a promova diversitatea culturală și, în același timp, de a aduce în prim-plan patrimoniul cultural comun european. Articolul 167 alineatul (4) din Tratatul privind funcționarea Uniunii Europene conține cerința ca Uniunea să țină seama de aspectele culturale în acțiunile sale.

Or. ro

Amendment 79

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The directives which have been adopted in the area of copyright and related rights provide for a high level of protection for rightholders and create a framework wherein the exploitation of works and other protected subject-matter can take place. This harmonised legal framework contributes to the good functioning of the internal market; it stimulates innovation, creativity, investment and production of new content, also in the digital environment. The protection provided by this legal framework also contributes to the Union's objective of respecting and promoting cultural diversity while at the same time bringing the European common cultural heritage to the fore. Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action.

Amendment

(2) The directives which have been adopted in the area of copyright and related rights provide for a high level of protection for rightholders and create a framework wherein the exploitation of works and other protected subject-matter can take place. This harmonised legal framework contributes to the good functioning of the ***truly integrated*** internal market; it stimulates innovation, creativity, investment and production of new content, also in the digital environment. The protection provided by this legal framework also contributes to the Union's objective of respecting and promoting cultural diversity while at the same time bringing the European common cultural heritage to the fore. Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action.

Or. en

Amendment 80
Julia Reda

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The directives which have been adopted in the area of copyright and related rights provide for a high level of protection for rightholders and create a framework wherein the exploitation of works and other protected subject-matter can take place. ***This*** harmonised legal framework contributes to the good functioning of the internal market; it stimulates innovation, creativity, investment and production of new content, also in the digital environment. The ***protection provided by this*** legal framework also contributes to the Union's objective of respecting and promoting cultural diversity while at the same time bringing the European common cultural heritage to the fore. Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action.

Amendment

(2) The directives which have been adopted in the area of copyright and related rights provide for a high level of protection for rightholders and create a framework wherein the exploitation of works and other protected subject-matter can take place. ***A*** harmonised legal framework contributes to the good functioning of the internal market; it stimulates innovation, creativity, investment and production of new content, also in the digital environment. The legal framework also contributes to the Union's objective of respecting and promoting cultural diversity while at the same time bringing the European common cultural heritage to the fore. Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action.

Or. en

Amendment 81

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and ***exploited***. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework ***remain sound. However***, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules ***on rights in publications, on the use of works and other subject-matter by online service providers storing and giving access to user uploaded content and on the transparency of authors' and performers' contracts***.

Amendment

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and ***enjoyed***. New business models and new actors continue to emerge, ***changing tremendously the market, contributing to stimulating competition with the established players and fostering creativity and innovation***. The objectives and the principles laid down by the Union copyright framework ***need to be updated and adapted in order to increase access to and dissemination of content, information and knowledge within the internal market. Indeed***, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms, ***and the use of works and other subject matters belonging to the public domain***, with a view to ensuring wider access to content. In order to achieve a well-functioning ***and fair*** marketplace for copyright, there should also be rules the transparency of authors' and performers' contracts.

²⁶ COM(2015) 626 final.

²⁶ COM(2015) 626 final.

Amendment 82

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) L'évolution rapide des technologies continue à modifier la manière dont les œuvres et autres objets protégés sont créés, produits, distribués et exploités. Il apparaît sans cesse de nouveaux modèles économiques et de nouveaux acteurs. Si les objectifs et les principes définis par **le cadre de** l'Union en matière de droit d'auteur restent satisfaisants, une insécurité juridique subsiste, tant pour les titulaires de droits que pour les utilisateurs, en ce qui concerne certaines utilisations, notamment transfrontières, d'œuvres et autres objets protégés dans l'environnement numérique. Comme l'indique la communication de la Commission intitulée «Vers un cadre moderne et plus européen pour le droit d'auteur»²⁶, il est nécessaire, dans certains domaines, d'adapter et de compléter le cadre actuel de l'Union en matière de droit d'auteur. La présente directive prévoit des règles visant à adapter certaines exceptions et limitations à l'environnement numérique **et transfrontière**, ainsi que des mesures destinées à faciliter certaines pratiques d'octroi de licences pour la diffusion d'œuvres indisponibles dans le commerce et à améliorer la disponibilité en ligne d'œuvres audiovisuelles sur les plateformes de vidéo à la demande, en vue **d'assurer** un accès plus large aux contenus. Afin de **réaliser un marché performant pour le droit d'auteur**, il devrait également exister des règles sur les droits dans les publications, sur l'utilisation des œuvres et autres objets protégés par les prestataires de services en ligne qui stockent et donnent accès à des contenus mis en ligne par leurs utilisateurs, et sur la transparence des contrats d'auteurs, interprètes et exécutants.

Amendment

(3) L'évolution rapide des technologies continue à modifier la manière dont les œuvres et autres objets protégés sont créés, produits, distribués et exploités. Il apparaît sans cesse de nouveaux modèles économiques et de nouveaux acteurs. Si les objectifs et les principes définis par **les systèmes juridiques nationaux et repris par** l'Union en matière de droit d'auteur restent satisfaisants, une insécurité juridique subsiste, tant pour les titulaires de droits que pour les utilisateurs, en ce qui concerne certaines utilisations, notamment transfrontières, d'œuvres et autres objets protégés dans l'environnement numérique. Comme l'indique la communication de la Commission intitulée «Vers un cadre moderne et plus européen pour le droit d'auteur»²⁶, il est nécessaire, dans certains domaines, d'adapter et de compléter le cadre actuel de l'Union en matière de droit d'auteur. La présente directive prévoit des règles visant à adapter certaines exceptions et limitations à l'environnement numérique, ainsi que des mesures destinées à faciliter certaines pratiques d'octroi de licences pour la diffusion d'œuvres indisponibles dans le commerce et à améliorer la disponibilité en ligne d'œuvres audiovisuelles sur les plateformes de vidéo à la demande, en vue **de trouver un équilibre entre le respect des droits des titulaires des droits d'auteurs ou droits voisins, qui façonnent le financement de la création culturelle, et assurer** un accès plus large aux contenus. Afin de **garantir une sécurité juridique pour toutes les parties prenantes**, il devrait également exister des règles sur les droits dans les publications, sur l'utilisation des œuvres et autres objets protégés par les prestataires de services en ligne qui stockent et donnent accès à des contenus mis en ligne par leurs utilisateurs, et sur la transparence des contrats d'auteurs, interprètes et exécutants.

²⁶ COM(2015) 626 final.

²⁶ COM(2015) 626 final.

Or. fr

Amendment 83

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on ***rights in publications, on the use of works and other subject-matter by online service providers storing and giving access to user uploaded content and on the transparency of authors' and performers' contracts.***

²⁶ COM(2015) 626 final.

Amendment

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on the transparency of authors' and performers' contracts.

²⁶ COM(2015) 626 final.

Or. en

Amendment 84
Sajjad Karim

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be **rules on rights in publications**, on the use of works and other subject-matter by online service **providers storing and giving access to** user uploaded content and on the transparency of authors' and performers' contracts.

²⁶ COM(2015) 626 final.

Amendment

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. **Innovative** new business models and new actors continue to emerge **in the Digital Single Market**. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be **a recognition of the rights of publishers, proportionate measures** on the use of works and other subject-matter by **active** online service **platforms which make available to the public** user uploaded content and on the transparency of authors' and performers' contracts.

²⁶ COM(2015) 626 final.

Amendment 85
Daniel Buda

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Rapidele evoluții tehnologice continuă să transforme modul în care sunt create, produse, distribuite și exploatate operele și alte obiecte protejate. Continuă să apară noi modele de afaceri și noi actori. Obiectivele și principiile stabilite în cadrul juridic al Uniunii privind drepturile de autor sunt în continuare valabile. Cu toate acestea, atât pentru titularii de drepturi, cât și pentru utilizatori continuă să existe insecuritate juridică în ceea ce privește anumite utilizări, printre care și utilizările transfrontaliere, ale operelor și ale altor obiecte protejate în mediul digital. După cum s-a enunțat în Comunicarea Comisiei intitulată „Către un cadru modern, mai european privind drepturile de autor”²⁶, este necesar ca actualul cadru al UE privind drepturile de autor să fie adaptat și completat în anumite domenii. Prezenta directivă conține norme pentru adaptarea anumitor excepții și limitări la mediul digital și la cel transfrontalier, precum și măsuri pentru facilitarea anumitor practici de acordare a licențelor în ceea ce privește difuzarea operelor aflate în afara circuitului comercial și disponibilitatea online a operelor audiovizuale pe platforme de video la cerere, în scopul asigurării unui acces mai larg la conținut. În vederea asigurării unei piețe performante a drepturilor de autor, ar trebui să existe norme pentru **drepturile** în cazul publicațiilor, pentru utilizarea operelor și a altor obiecte protejate **de către furnizorii** de servicii online de stocare și permitere a accesării conținutului încărcat de utilizatori și pentru transparența contractelor autorilor și ale artiștilor interpreți sau executanți.

²⁶ COM(2015) 626 final.

Amendment

(3) Rapidele evoluții tehnologice continuă să transforme modul în care sunt create, produse, distribuite și exploatate operele și alte obiecte protejate. Continuă să apară noi modele de afaceri și noi actori. Obiectivele și principiile stabilite în cadrul juridic al Uniunii privind drepturile de autor sunt în continuare valabile. Cu toate acestea, atât pentru titularii de drepturi, cât și pentru utilizatori continuă să existe insecuritate juridică în ceea ce privește anumite utilizări, printre care și utilizările transfrontaliere, ale operelor și ale altor obiecte protejate în mediul digital. După cum s-a enunțat în Comunicarea Comisiei intitulată „Către un cadru modern, mai european privind drepturile de autor”²⁶, este necesar ca actualul cadru al UE privind drepturile de autor să fie adaptat și completat în anumite domenii. Prezenta directivă conține norme pentru adaptarea anumitor excepții și limitări la mediul digital și la cel transfrontalier, precum și măsuri pentru facilitarea anumitor practici de acordare a licențelor în ceea ce privește difuzarea operelor aflate în afara circuitului comercial și disponibilitatea online a operelor audiovizuale pe platforme de video la cerere, în scopul asigurării unui acces mai larg la conținut. În vederea asigurării unei piețe performante a drepturilor de autor, ar trebui să existe norme pentru **exercitarea și valorificarea drepturilor** în cazul publicațiilor, pentru utilizarea operelor și a altor obiecte protejate **afate pe platformele furnizorilor** de servicii online de stocare și permitere a accesării conținutului încărcat de utilizatori și pentru transparența contractelor autorilor și ale artiștilor interpreți sau executanți.

²⁶ COM(2015) 626 final.

Amendment 86

Julia Reda, Marietje Schaake, Kaja Kallas, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) This Directive is based upon, and complements, the rules laid down in the Directives currently in force in this area, in particular Directive 96/9/EC of the European Parliament and of the Council²⁷, Directive 2001/29/EC of the European Parliament and of the Council²⁸, Directive 2006/115/EC of the European Parliament and of the Council²⁹, Directive 2009/24/EC of the European Parliament and of the Council³⁰, Directive 2012/28/EU of the European Parliament and of the Council³¹ and Directive 2014/26/EU of the European Parliament and of the Council³².

²⁷ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20–28).

²⁸ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10–19).

²⁹ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 376, 27.12.2006, p. 28–35).

³⁰ Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (OJ L 111, 5.5.2009, p. 16–22).

³¹ Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain

Amendment

(4) This Directive is based upon, and complements, the rules laid down in the Directives currently in force in this area, in particular Directive 96/9/EC of the European Parliament and of the Council²⁷, Directive **2000/31/EC of the European Parliament and of the Council ^{27a}**, Directive 2001/29/EC of the European Parliament and of the Council²⁸, Directive 2006/115/EC of the European Parliament and of the Council²⁹, Directive 2009/24/EC of the European Parliament and of the Council³⁰, Directive 2012/28/EU of the European Parliament and of the Council³¹ and Directive 2014/26/EU of the European Parliament and of the Council³².

²⁷ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20–28).

^{27a} **Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).**

²⁸ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10–19).

²⁹ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 376, 27.12.2006, p. 28–35).

³⁰ Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (OJ L 111, 5.5.2009, p. 16–22).

³¹ Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain

ain permitted uses of orphan works (OJ L 299, 27 .10.2012, p. 5–12).

³² Directive 2014/26/EU of the European Parliam ent and of the Council of 26 February 2014 on co llective management of copyright and related rig hts and multi-territorial licensing of rights in mus ical works for online use in the internal market (OJ L 84, 20.3.2014, p. 72–98).

Or. en

Amendment 87
Constance Le Grip

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 bis) L'établissement d'hyperliens est au cœur du fonctionnement d'internet dans la mesure où il offre la possibilité d'accéder à un contenu depuis un autre à travers un lien cliquable et assure ainsi une véritable circulation de l'information en ligne, y compris pour ce qui est de la mise à disposition d'oeuvres ou d'autres objets protégés par le droit d'auteur. Dans ce contexte et afin d'assurer la sécurité juridique du public, il convient de rappeler qu'un hyperlien ne devrait pas constituer un acte de communication au public, dans les seuls cas où ayant été établi dans un but non-commercial, il dirige l'utilisateur vers un service en ligne où l'oeuvre ou l'objet protégé est accessible sans restriction, sans que pour cela il ait été fait recours à des techniques consistant, à l'instar de la transclusion, à faire apparaître le contenu sur le site dont l'hyperlien est originaire, et à la condition que la personne l'ayant établi ne savait ni n'avait de raisons valables de penser que l'oeuvre ou l'objet protégé a été publié sans autorisation sur le service en ligne de destination.

Or. fr

Amendment 88

Constance Le Grip, Angelika Niebler, Daniel Buda, Stefano Maullu

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) For the purpose of the application of Union law in the field of copyright, in particular of this directive, and in order to guarantee a strong level of protection for rightholders, it should be recalled that an act of communication to the public and/or of making available occurs whenever an access is given to a protected work or any other subject-matter to people outside the normal circle or who do not belong to the closest social acquaintances of the family of the person providing such an access, irrespective of whether these people are at the same place or in different ones, or whether they perceive the protected works or other subject-matters at the same time or in different ones.

Or. en

Amendment 89
Victor Negrescu

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) Prezenta directivă și prevederile sale nu se referă și nu constituie o barieră legală pentru activitatea motoarelor de căutare și distribuitorilor de conținut digital.

Or. ro

Amendment 90
Victor Negrescu

Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

***(4 b) Prezenta directivă recunoaște drepturile
utilizatorilor de servicii digitale la folosirea
unor facilități gratuite de acces la conținut
online.***

Or. ro

Amendment 91
Kosma Złotowski

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Amendment

(5) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields ***and in the field of education*** may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. ***Member States should be able to adopt or maintain in force broader provisions, compatible with the exceptions and limitations existing in Union law, for uses covered by the exceptions or the limitation provided for in this Directive.*** Directives 96/9/EC and 2001/29/EC should be adapted.

Or. en

Amendment 92

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Amendment

(5) In the fields of research, **innovation**, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for **innovation**, scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. **Therefore, existing well-functioning exceptions in these fields may continue to be available in Member States, as long as they do not restrict the scope of the exceptions or limitations provided for in this Directive.** Directives 96/9/EC and 2001/29/EC should be adapted.

Or. en

Amendment 93

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In the fields of research, education **and** preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching **and** preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment **and for** preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC **and 2001/29/EC** should be adapted.

Amendment

(5) In the fields of research, education, preservation of cultural heritage **and public lending of literary works**, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, **2006/115/EC**, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market **and the access to creative content, information and knowledge**. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching, preservation of cultural heritage **and public lending of literary works**, should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching **and scientific research** in the digital environment, preservation of cultural heritage, **public lending of literary works, and out-of-commerce works** should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC, **2001/29/EC and 2006/115/EC** should be adapted.

Or. en

Amendment 94

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Dans les domaines de la recherche, de l'éducation et de la préservation du patrimoine culturel, les technologies numériques permettent de nouveaux types d'utilisations qui ne sont pas clairement encadrées par les règles de l'Union en vigueur en matière d'exceptions et de limitations. En outre, ***le caractère facultatif des exceptions et limitations*** prévues par les directives 2001/29/CE, 96/9/CE et 2009/24/CE dans ces domaines ***pourrait avoir des conséquences néfastes sur le fonctionnement du marché intérieur, ce qui vaut en particulier pour les utilisations transfrontières, dont l'importance ne cesse de croître dans l'environnement numérique***. Il conviendrait donc de réévaluer à la lumière de ces nouvelles utilisations les exceptions et limitations prévues actuellement par la législation européenne et qui sont pertinentes pour la recherche scientifique, l'enseignement et la préservation du patrimoine culturel. Il y aurait lieu d'instaurer des exceptions ou limitations ***obligatoires*** pour l'utilisation de technologies de fouille de textes ***et de données*** dans le domaine de la recherche scientifique, l'illustration à des fins d'enseignement dans l'environnement numérique et la préservation du patrimoine culturel. S'agissant des utilisations non couvertes par les exceptions ou la limitation prévues par la présente directive, les exceptions et limitations en vigueur dans le droit de l'Union devraient continuer à s'appliquer. Il conviendrait d'adapter les directives 96/9/CE et 2001/29/CE.

Amendment

(5) Dans les domaines de la recherche, de l'éducation et de la préservation du patrimoine culturel, les technologies numériques permettent de nouveaux types d'utilisations qui ***ont d'ores et déjà été pris en comptes par certains Etats membres mais*** ne sont pas clairement encadrées par les règles de l'Union en vigueur en matière d'exceptions et de limitations. En outre, ***certaines exceptions et limitations sont d'ores et déjà*** prévues par les directives 2001/29/CE, 96/9/CE et 2009/24/CE dans ces domaines. Il conviendrait donc de réévaluer à la lumière de ces nouvelles utilisations les exceptions et limitations prévues actuellement par la législation européenne et qui sont pertinentes pour la recherche scientifique, l'enseignement et la préservation du patrimoine culturel. Il y aurait lieu d'instaurer des exceptions ou limitations ***facultatives*** pour l'utilisation de technologies de fouille de textes dans le domaine de la recherche scientifique, l'illustration à des fins d'enseignement dans l'environnement numérique et la préservation du patrimoine culturel. S'agissant des utilisations non couvertes par les exceptions ou la limitation prévues par la présente directive, les exceptions et limitations en vigueur dans le droit de l'Union devraient continuer à s'appliquer. Il conviendrait d'adapter les directives 96/9/CE et 2001/29/CE.

Or. fr

Amendment 95

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment **and** for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Amendment

(5) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching, **libraries** and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment, for preservation of cultural heritage, **for user-generated content and for the reproduction of works permanently situated in public places** should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Or. en

Justification

The inclusion of libraries as relevant establishments is reasonable because they have an important role in the field of research, education and preservation of cultural heritage.

Amendment 96
Antanas Guoga, Eva Maydell

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields **may** negatively **impact** the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Amendment

(5) In the fields of research, **innovation**, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields negatively **impacts** the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research **and innovation**, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Or. en

Amendment 97

Julia Reda, Nessa Childers, Dita Charanzová, Marietje Schaake, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In the fields of research, **education and preservation of** cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC **in these fields may** negatively **impact** the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for **scientific** research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies **in the field of scientific research**, illustration for teaching **in the digital environment** and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or **the limitation** provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Amendment

(5) In the fields of research **and innovation, transformative use, education and** cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC negatively **impacts** the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for research, teaching and preservation of cultural heritage should be reassessed **and complemented** in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies, illustration for teaching, **user-generated content, freedom of panorama** and for preservation **and dissemination** of cultural heritage should be introduced. For uses not covered by the exceptions or **limitations** provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.

Or. en

Amendment 98

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 bis) Les moteurs de recherche englobent une grande variété de services dont l'objectif est en principe de permettre au public d'accéder aux ressources disséminées sur internet. La nature des actes accomplis par ces entités diffère toutefois grandement d'un service à l'autre. Alors que les moteurs de recherche textuels fournissent un lien hypertexte cliquable dont l'objet essentiel est de conduire les utilisateurs au service en ligne référence, la plupart des moteurs de recherche spécialisés dans l'image affichent directement les œuvres référencées dans les résultats de recherche, de manière autonome par rapport au service en ligne dont elles sont issues.

Les images pouvant ensuite être consultées dans leur format original et en haute qualité, ces moteurs de recherche s'apparentent donc davantage dans leurs fonctionnalités, à des banques d'images. Les exploitations d'œuvres graphiques, plastiques ou photographiques relèvent en conséquence de l'autorisation des titulaires de droits en application des articles 2 et 3 de la directive 2001/29/CE. Compte tenu du nombre très important d'images reproduites ou communiquées au public par ces moteurs de recherche, il convient de laisser aux Etats membres la faculté de mettre en oeuvre des solutions équilibrées, assorties d'une compensation équitable.

Or. fr

Amendment 99

Jean-Marie Cavada, Robert Rochefort, Joëlle Bergeron

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 bis) En application du respect des principes de subsidiarité et de proportionnalité, dans les États membres où l'usage commercial du droit de panorama n'est pas autorisé, les reproductions et représentations d'œuvres architecturales et de sculptures placées en permanence sur la voie publique, réalisées par des personnes physiques doivent toujours faire l'objet d'autorisation préalable des auteurs, de leurs ayant droits ou des sociétés de gestion collective.

Le paragraphe 37 de la résolution du Parlement du 9 juillet 2015 sur la mise en œuvre de la Directive 2001/29/CE, précise que ce sujet pourrait bénéficier de règles davantage harmonisées, tout en remarquant que des différences peuvent être justifiées afin de permettre aux États membres de légiférer en fonction de leurs propres intérêts culturels et économiques.

Or. fr

Amendment 100

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The Communication of the Commission Promoting a fair, efficient and competitive European copyright-based economy in the Digital Single Market (COM(2016)0592) underlines, in accordance with the impact assessment and the public consultation, that there is no evidence, as regard to cross-border issues or obstacle, that requires the Union to introduce a new "panorama exception". The European Parliament, in its Resolution of 9 July 2015 on the implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society followed this line and did not include this exception as requiring further EU harmonisation.

Or. en

Amendment 101

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, Frédérique Ries, António Marinho e Pinto

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5 ter) Le droit de communication au public et le droit de mise à disposition du public définis à l'article 3 de la directive, qui met en oeuvre les principes et règles définis à l'article 8 du traité de l'OMPI sur le droit d'auteur auquel l'Union est partie, jouent un rôle essentiel dans la société de l'information. Le droit de l'Union doit en garantir l'effet et l'efficacité pour offrir un niveau de protection élevé aux titulaires de droits.

Or. fr

Amendment 102

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The exceptions and the limitation set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They can be applied ***only*** in certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders.

Amendment

(6) The exceptions and the limitation set out in this Directive seek to achieve a fair balance between the ***specific*** rights and interests of authors and other rightholders on the one hand, and of users on the other. They can be applied in certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders. ***The public goal of favouring the creation, dissemination and access to content, information and knowledge within the internal market should be also duly taken into account in the balance of the different interests at stake.***

Or. en

Amendment 103
Daniel Buda

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Excepțiile și **limitarea** stabilite în prezenta directivă au scopul de a asigura un echilibru corect între drepturile și interesele autorilor și ale altor titulari de drepturi, pe de o parte, și cele ale utilizatorilor, pe de altă parte. Acestea pot fi aplicate doar în anumite cazuri speciale care nu sunt în contradicție cu exploatarea normală a operelor sau a altor obiecte protejate și în care interesele legitime ale titularilor de drepturi nu sunt lezate în mod nejustificat.

Amendment

(6) Excepțiile și **limitările** stabilite în prezenta directivă au scopul de a asigura un echilibru corect între drepturile și interesele autorilor și ale altor titulari de drepturi, pe de o parte, și cele ale utilizatorilor, pe de altă parte. Acestea pot fi aplicate doar în anumite cazuri speciale care nu sunt în contradicție cu exploatarea normală a operelor sau a altor obiecte protejate și în care interesele legitime ale titularilor de drepturi nu sunt lezate în mod nejustificat. ***Excepțiile conțin, de asemenea, condiții prin care se asigură conservarea bunei funcționări a piețelor, se protejează interesele titularilor de drepturi și se încurajează creația și investițiile.***

Or. ro

Amendment 104

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The exceptions and the limitation set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They can be applied only in certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders.

Amendment

(6) The exceptions and the limitation set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They can be applied only in certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders. ***Such cases concern, in particular, access to education, knowledge and cultural heritage and as such, are generally in the public interest.***

Or. en

Amendment 105

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Les exceptions et la limitation définies par la présente directive **tendent** vers un juste équilibre entre les droits et les intérêts des auteurs et autres titulaires de droits, d'une part, et des utilisateurs, d'autre part. Elles ne **peuvent** s'appliquer que dans certains cas particuliers **qui ne portent pas** atteinte à l'exploitation normale de l'œuvre ou autre objet protégé ni **ne causent** un préjudice injustifié aux intérêts légitimes des titulaires de droits.

Amendment

(6) Les exceptions et la limitation définies par la présente directive **devraient tendre** vers un juste équilibre entre les droits et les intérêts des auteurs et autres titulaires de droits, d'une part, et des utilisateurs, d'autre part. Elles ne **devraient pouvoir** s'appliquer que dans certains cas particuliers **et ne pas porter** atteinte à l'exploitation normale de l'œuvre ou autre objet protégé ni **causer** un préjudice injustifié aux intérêts légitimes des titulaires de droits.

Or. fr

Amendment 106
Julia Reda

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The exceptions and ***the limitation*** set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They ***can be applied only in*** certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders.

Amendment

(6) The exceptions and ***limitations*** set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They ***have been designed to apply only to*** certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders.

Or. en

Amendment 107

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 bis) I consumatori oltre ad essere fruitori sono, sempre più spesso in particolare in un ambiente digitale, anche creatori e distributori di opere dagli stessi create, ancorché per finalità non commerciali.

Or. it

Amendment 108

Julia Reda, Lucy Anderson, Lidia Joanna Geringer de Oedenberg

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) The protection of technological measures established in Directive 2001/29/EC ***remains essential*** to ensure the protection and the effective exercise of the rights granted to authors and to other rightholders under Union law. This protection should be ***maintained while ensuring*** that the use of technological measures does not prevent the ***enjoyment*** of the exceptions and ***the limitation*** established in this Directive, which are particularly relevant in the online environment. Rightholders ***should have the opportunity*** to ensure this through voluntary measures. ***They should remain free to choose the format and the modalities to*** provide the beneficiaries of the exceptions and ***the limitation*** established in this Directive ***with the means to benefit from them provided that such means are appropriate. In the absence of voluntary measures,*** Member States should take appropriate measures in accordance with the first subparagraph of Article 6(4) of Directive 2001/29/EC.

Amendment

(7) The protection of technological measures established in Directive 2001/29/EC ***was established*** to ensure the protection and the effective exercise of the rights granted to authors and to other rightholders under Union law. ***The scope of*** this protection should be ***adapted in order to better ensure*** that the use of technological measures does not prevent the ***users' rights to make use*** of the exceptions and ***limitations*** established in this Directive, which are particularly relevant in the online environment. Rightholders ***are often not best placed*** to ensure this through voluntary measures, ***because technological protection measures are most commonly put in place by entities other than the rightholders. All actors in the value chain should*** provide the beneficiaries of the exceptions and ***limitations*** established in this Directive, ***in Directive 96/9/EC, Directive 2001/29/EC, Directive 2009/24/EC and Directive 2012/28/EU, with the means to benefit from them.*** Member States should take appropriate measures in accordance with the first subparagraph of Article 6(4) of Directive 2001/29/EC.

Or. en

Amendment 109

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) The protection of technological measures established in Directive 2001/29/EC remains **essential** to ensure the protection and the effective exercise of the rights granted to authors and to other rightholders under Union law. This protection should be maintained while ensuring that the use of technological measures does not prevent the enjoyment of the exceptions and the limitation established in this Directive, which are particularly relevant in the online environment. Rightholders should have the opportunity to ensure this through voluntary measures. They should remain free to choose the format and the modalities to provide the beneficiaries of the exceptions and the limitation established in this Directive with the means to benefit from them provided that such means are **appropriate**. In the absence of voluntary measures, Member States should take appropriate measures in accordance with the first subparagraph of Article 6(4) of Directive 2001/29/EC.

Amendment

(7) The protection of technological measures established in Directive 2001/29/EC remains **important** to ensure the protection and the effective exercise of the rights granted to authors and to other rightholders under Union law. This protection should be maintained while ensuring that the use of technological measures does not prevent **or hinder in any way** the enjoyment of the exceptions and the limitation established in this Directive, which are particularly relevant in the online environment. Rightholders should have the opportunity to ensure this through voluntary **effective** measures. They should remain free to choose the format and the modalities to provide the beneficiaries of the exceptions and the limitation established in this Directive with the means to **effectively** benefit from them provided that such means are **transparent, non-discriminatory and proportionate**. In the absence of voluntary **effective** measures, Member States should take appropriate measures in accordance with the first subparagraph of Article 6(4) of Directive 2001/29/EC.

Or. en

Amendment 110

Julia Reda, Lucy Anderson, Lidia Joanna Geringer de Oedenberg

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) In order to ensure that technological measures do not prevent the enjoyment of the exceptions and limitations established in this Directive and in Directive 2001/29/EC, Directive 96/9/EC, Directive 2009/24/EC or Directive 2012/28/EU, Article 6(4) of Directive 2001/29/EC needs to be updated in order to take account of the fact that in the marketplace, rightsholders are often unable to make available to the beneficiary of an exception or limitation the means of benefiting from that exception or limitation, because technological protection measures are generally not applied by the rightsholders themselves, but by third party suppliers who provide the content to consumers, such as online marketplaces, some of whom enjoy a dominant market position. The inability of users to make use of their rights under copyright exceptions and limitations is not just having a negative impact on users' fundamental rights, it is also detrimental to rightsholders who often find themselves in a weaker bargaining position vis-à-vis suppliers of digital content, especially when consumers are locked into the products and services offered by that seller through the use of technological measures. It is therefore insufficient to require Member States only to place obligations upon the rightsholders, who are generally unable to remove the technological protection measures put on their works by third parties. In addition, the act of circumventing technological protection measures for the purposes of enjoying exceptions and limitations to copyright and related rights needs to be exempted from the general legal protection of effective technological measures enshrined in Article 6(1) and 6(2) of Directive 2001/29/EC. Furthermore, the definition of "technological measures" in Article 6(3) of Directive 2001/29/EC needs to be clarified so as not to

***include measures which are designed to
restrict authorised uses under copyright
exceptions and limitations.***

Or. en

Amendment 111
Tadeusz Zwiefka

Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

deleted

Or. en

Amendment 112

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. ***Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.***

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Text and data mining ***allows for the reading and analysis of large amounts of digitally stored information to gain new knowledge and discover new trends.***

Or. en

Amendment 113

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow **researchers to process** large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that **text and data mining can in particular benefit the research community and in so doing** encourage innovation.

However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright **and in such instances no authorisation would be required.**

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow **the processing of** large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that **there is a need to clarify the legality of copies made for purposes of text and data mining in order to** encourage innovation **and discovery in all fields. Without a mandatory exception applying throughout the Union, all entities engaging in text and data mining, including** research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. **For text and data mining to occur, one first needs to access information and then to reproduce that information. It is generally only after that information is normalised that its processing through** text and data mining **can occur. Once there is lawful access to information, it is when that information is being normalised that a** copyright **protected use takes place since this leads to a reproduction by changing the format of the information itself or an extraction from a database into one that can be subjected to text and data mining. The** copyright **relevant processes in the use of text and data mining technology is consequently not the text and data mining process itself which consists of a reading and analysis of digitally stored normalised information, but the process of access and the process by which information is normalised to enable its automated computational analysis. The process of access to information be it** works or other subject matter **protected by copyright is already regulated in the copyright related acquis. In**

certain instances, text and data mining could involve works protected by copyright and/or by the sui generis database right. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright.

Or. en

Amendment 114

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow **researchers to process** large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes **are confronted with** legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow **the processing of** large amounts of information **for research purposes** to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation **and competitiveness**. However, in the Union, **when research is carried out by educational establishments and** organisations such as universities, **the public sector, cultural heritage institutions,** and research institutes, **there is** legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Or. en

Amendment 115

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow **researchers** to process large amounts of information to gain new knowledge and discover new trends. *Whilst* text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. **However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content.** In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow to process large amounts of **digitally stored** information to gain new knowledge and discover new trends. Text and data mining technologies are prevalent across the digital economy **and** there is **a** widespread acknowledgment that text and data mining can in particular benefit **not only** the research community **but also start ups** and in so doing encourage innovation. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. **This is where research organisations such as universities and research institutes as well as businesses that use text and data mining as their main tool are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content.** Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Or. en

Amendment 116

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Les nouvelles technologies permettent une analyse informatique automatisée d'informations sous forme numérique, telles que du texte, des sons, des images ou d'autres données, ce que l'on appelle généralement «la fouille de textes et de données». Ces technologies permettent aux chercheurs de traiter de grandes quantités d'informations pour acquérir de nouvelles connaissances et découvrir de nouvelles tendances. ***Alors que les technologies de fouille de textes et de données sont très répandues dans l'ensemble de l'économie numérique, il est largement reconnu que cette fouille peut être en particulier profitable à la communauté des chercheurs et ainsi favoriser l'innovation. Or, dans l'Union, les organismes de recherche tels que les universités et les instituts de recherche sont confrontés à une insécurité juridique, ne sachant pas dans quelle mesure il leur est possible d'effectuer une fouille de textes et de données sur des contenus.*** Dans certains cas, la fouille de textes et de données peut porter sur des actes protégés par le droit d'auteur et/ou par le droit sui generis de la base de données, notamment en ce qui concerne la reproduction d'œuvres ou autres objets protégés et/ou l'extraction de contenus d'une base de données. En l'absence d'exception ou de limitation applicable, l'autorisation de procéder à de tels actes devrait être demandée aux titulaires de droits. La fouille de textes et de données peut également être effectuée pour de simples éléments factuels ou données non protégés par le droit d'auteur et aucune autorisation ne serait nécessaire dans ce cas.

Amendment

(8) Les nouvelles technologies permettent une analyse informatique automatisée d'informations sous forme numérique, telles que du texte, des sons, des images ou d'autres données, ce que l'on appelle généralement «la fouille de textes et de données». ***Si*** ces technologies permettent aux chercheurs de traiter de grandes quantités d'informations pour acquérir de nouvelles connaissances et découvrir de nouvelles tendances, ***leurs utilisations doivent être encadrées et limitées aux seuls usages non commerciaux, notamment en ce qui concerne l'analyse de données. En effet, si la fouille de texte peut s'avérer profitable en matière de recherches et d'innovation, elle ne doit pas porter atteinte de façon disproportionnée au droit d'auteur, et ce, par une logique de profits qui viendrait se substituer à l'objectif pédagogique.*** Dans certains cas, la fouille de textes et de données peut porter sur des actes protégés par le droit d'auteur et/ou par le droit sui generis de la base de données, notamment en ce qui concerne la reproduction d'œuvres ou autres objets protégés et/ou l'extraction de contenus d'une base de données. En l'absence d'exception ou de limitation applicable, l'autorisation de procéder à de tels actes devrait être demandée aux titulaires de droits. La fouille de textes et de données peut également être effectuée pour de simples éléments factuels ou données non protégés par le droit d'auteur et aucune autorisation ne serait nécessaire dans ce cas.

Or. fr

Amendment 117

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can ***in particular benefit*** the research community and in so doing encourage innovation. However, in the Union, ***research organisations such as universities and research institutes*** are confronted with legal uncertainty as to the extent to which they can perform text and data mining ***of content***. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow ***citizens, startups,*** researchers ***and journalists*** to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can ***also benefit citizen science, business,*** the research community and ***journalism and,*** in so doing, encourage innovation. However, in the Union, ***individuals and legal entities having authorised access to content*** are confronted with legal uncertainty as to the extent to which they can perform text and data mining ***thereof***. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Or. en

Amendment 118

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Neue, im Allgemeinen als Text- und Data-Mining bekannte Techniken ermöglichen es, in digitaler Form vorliegende Informationen wie Texte, Töne, Bilder oder Daten mit Hilfe des Computers automatisch auszuwerten. Mit Hilfe dieser Techniken können Forscher riesige Informationsmengen verarbeiten lassen, um neue Erkenntnisse zu gewinnen und neue Trends zu erkennen. Das Text- und Data-Mining ist die vorherrschende Technik in der Digitalwirtschaft, doch besteht Einvernehmen darüber, dass diese Technik vor allem für die Forschung von besonderem Nutzen ist und damit auch Anreize für Innovationen schafft. In der Union sehen sich Forschungsorganisationen wie Hochschulen **und Forschungseinrichtungen** allerdings damit konfrontiert, dass hinsichtlich des möglichen Umfangs des Text- und Data-Mining von Inhalten Rechtsunsicherheit herrscht. Mitunter beinhaltet das Text- und Data-Mining Handlungen, die durch das Urheberrecht oder durch das Sui-generis-Recht an Datenbanken geschützt sind, vor allem wenn es um die Reproduktion von Werken oder sonstigen Schutzgegenständen und/oder um die Entnahme von Inhalten aus einer Datenbank geht. Können keine Ausnahmen oder Beschränkungen geltend gemacht werden, müsste die Genehmigung für solche Handlungen vom Rechteinhaber eingeholt werden. Erfolgt das Text- und Data-Mining in Bezug auf reine, nicht urheberrechtlich geschützte Fakten oder Daten, wird keine Genehmigung benötigt.

Amendment

(8) Neue, im Allgemeinen als Text- und Data-Mining bekannte Techniken ermöglichen es, in digitaler Form vorliegende Informationen wie Texte, Töne, Bilder oder Daten mit Hilfe des Computers automatisch auszuwerten. Mit Hilfe dieser Techniken können Forscher riesige Informationsmengen verarbeiten lassen, um neue Erkenntnisse zu gewinnen und neue Trends zu erkennen. Das Text- und Data-Mining ist die vorherrschende Technik in der Digitalwirtschaft, doch besteht Einvernehmen darüber, dass diese Technik vor allem für die Forschung von besonderem Nutzen ist und damit auch Anreize für Innovationen schafft. In der Union sehen sich Forschungsorganisationen wie **Forschungseinrichtungen und Hochschulen, Universitätsbibliotheken, Museen und Laboratorien** allerdings damit konfrontiert, dass hinsichtlich des möglichen Umfangs des Text- und Data-Mining von Inhalten Rechtsunsicherheit herrscht. Mitunter beinhaltet das Text- und Data-Mining Handlungen, die durch das Urheberrecht oder durch das Sui-generis-Recht an Datenbanken geschützt sind, vor allem wenn es um die Reproduktion von Werken oder sonstigen Schutzgegenständen und/oder um die Entnahme von Inhalten aus einer Datenbank geht. Können keine Ausnahmen oder Beschränkungen geltend gemacht werden, müsste die Genehmigung für solche Handlungen vom Rechteinhaber eingeholt werden. Erfolgt das Text- und Data-Mining in Bezug auf reine, nicht urheberrechtlich geschützte Fakten oder Daten, wird keine Genehmigung benötigt.

Or. de

Amendment 119
Victor Negrescu

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out ***in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.***

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out ***by any natural or legal person with lawful access.***

Or. en

Amendment 120
Jens Rohde

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes, ***their libraries, museums and laboratories*** are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Or. en

Justification

It should be clarified that libraries, museums and laboratories of universities and research institutes are covered by the exception.

Amendment 121

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Les nouvelles technologies permettent une analyse informatique automatisée d'informations sous forme numérique, telles que du texte, des sons, des images ou d'autres données, ce que l'on appelle généralement «la fouille de textes et de données». Ces technologies permettent aux chercheurs de traiter de grandes quantités d'informations pour acquérir de nouvelles connaissances et découvrir de nouvelles tendances. Alors que les technologies de fouille de textes et de données sont très répandues dans l'ensemble de l'économie numérique, il est largement reconnu que cette fouille peut être en particulier profitable à la communauté des chercheurs et ainsi favoriser l'innovation. Or, dans l'Union, les organismes de recherche tels que les universités et les instituts de recherche sont confrontés à une insécurité juridique, ne sachant pas dans quelle mesure il leur est possible d'effectuer une fouille de textes et de données sur des contenus. Dans certains cas, la fouille de textes et de données peut porter sur des actes protégés par le droit d'auteur et/ou par le droit sui generis de la base de données, notamment en ce qui concerne la reproduction d'œuvres ou autres objets protégés et/ou l'extraction de contenus d'une base de données. En l'absence d'exception ou de limitation applicable, l'autorisation de procéder à de tels actes devrait être demandée aux titulaires de droits. La fouille de textes et de données peut également être effectuée pour de simples éléments factuels ou données non protégés par le droit d'auteur *et* aucune autorisation ne serait nécessaire dans ce cas.

Amendment

(8) Les nouvelles technologies permettent une analyse informatique automatisée d'informations sous forme numérique, telles que du texte, des sons, des images ou d'autres données, ce que l'on appelle généralement «la fouille de textes et de données». Ces technologies permettent aux chercheurs de traiter de grandes quantités d'informations pour acquérir de nouvelles connaissances et découvrir de nouvelles tendances. Alors que les technologies de fouille de textes et de données sont très répandues dans l'ensemble de l'économie numérique, il est largement reconnu que cette fouille peut être en particulier profitable à la communauté des chercheurs et ainsi favoriser l'innovation. Or, dans l'Union, les organismes de recherche tels que les universités et les instituts de recherche sont confrontés à une insécurité juridique, ne sachant pas dans quelle mesure il leur est possible d'effectuer une fouille de textes et de données sur des contenus. Dans certains cas, la fouille de textes et de données peut porter sur des actes protégés par le droit d'auteur et/ou par le droit sui generis de la base de données, notamment en ce qui concerne la reproduction d'œuvres ou autres objets protégés et/ou l'extraction de contenus d'une base de données. En l'absence d'exception ou de limitation applicable, l'autorisation de procéder à de tels actes devrait être demandée aux titulaires de droits. La fouille de textes et de données peut également être effectuée pour de simples éléments factuels ou données non protégés par le droit d'auteur *ou légalement accessible pour lesquels* aucune autorisation ne serait nécessaire dans ce cas.

Amendment 122
Tadeusz Zwiefka

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where researchers have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining. **deleted**

Or. en

Amendment 123

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where **researchers** have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research **is** increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position **as a research area** will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where **users, including both public and private entities, as well as individuals** have lawful access to content, for example through **access to the internet or** subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As **both business and** research **are** increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position **globally** will suffer unless steps are taken to address the legal uncertainty for text and data mining. **It is important to recognize the potential of text and data mining technologies in enabling new knowledge, innovation and discovery in all fields and the role that those technologies have in the continuous development of the digital economy, providing for an exception for reproduction and the extraction of information for the purpose of text and data mining where there is lawful access.**

Or. en

Amendment 124

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where **researchers have** lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where **there is** lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining. ***In terms of digital economy and its growth, it is important to recognise the positive impact that text and mining has on innovation and how it can foster further development of digital economy in the Union by providing for an exception for reproductions and extractions of information to be submitted to text and data mining when there is acquired lawful access.***

Or. en

Amendment 125

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies *in* scientific research. Moreover, where *researchers have* lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty *for* text and data mining.

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of *text and data mining* technologies *which are relevant far beyond the area of* scientific research. Moreover, where *there is* lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area *and action lines envisaged in the European Open Science Agenda* will suffer unless steps are taken to address the legal uncertainty *regarding text and data mining for all potential users. Union law should acknowledge that* text and data mining *is increasingly used beyond formal research organisations and for purposes other than scientific research which nevertheless contribute to innovation, technology transfer and the public interest.*

Or. en

Amendment 126

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where researchers have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where researchers have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining ***in Union law, while ensuring that text and data mining exceptions in Member States should be able to continue to be provided.***

Or. en

Amendment 127

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where **researchers have lawful** access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research **is** increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where **individuals and legal entities have authorised** access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As **both research and business are** increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Or. en

Amendment 128
Constance Le Grip

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where researchers have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where researchers have lawful access to ***legally acquired*** content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Or. en

Amendment 129
Jens Rohde

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where researchers have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where researchers have ***acquired*** lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Or. en

Justification

It should be clarified that rented content or content accessed via another copyright exception are not intended to be addressed and a reference to the tried and tested concept of Article 5 of the Software Directive 2009/24/EC would seem appropriate.

Amendment 130

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Le droit de l'Union **prévoit** d'ores et déjà certaines exceptions et limitations portant sur des utilisations à des fins de recherche scientifique qui pourraient s'appliquer aux actes de fouille de textes **et de données**. **Cependant, ces exceptions et limitations sont facultatives et ne sont pas entièrement adaptées à l'utilisation de technologies dans le domaine de la recherche scientifique.** En outre, lorsque les chercheurs ont légalement **accès à** du contenu, par exemple au moyen d'abonnements à des publications ou de licences en libre accès, les conditions applicables à ces licences **peuvent exclure** la fouille de textes **et de données**. Comme les recherches s'effectuent de plus en plus avec l'aide de la technologie numérique, la compétitivité de l'Union en tant qu'espace de recherche risquerait **d'en** pâtir, à moins que des mesures ne soient prises pour remédier à l'insécurité juridique qui **entoure la fouille de textes et de données**.

Amendment

(9) **Certains systèmes juridiques nationaux, ainsi que** le droit de l'Union **prévoient** d'ores et déjà certaines exceptions et limitations portant sur des utilisations à des fins de recherche scientifique qui pourraient s'appliquer aux actes de fouille de textes. **Afin de préserver l'intégrité du principe de droit d'auteur, ces exceptions devraient rester facultatives.** Cependant, lorsque les chercheurs ont légalement **acquis** du contenu, par exemple au moyen d'abonnements à des publications ou de licences en libre accès, les conditions applicables à ces licences **devraient pouvoir inclure** la fouille de textes. **En effet,** comme les recherches s'effectuent de plus en plus avec l'aide de la technologie numérique, la compétitivité **des Etats membres** de l'Union en tant qu'espace de recherche risquerait **de** pâtir **d'une possible impossibilité de fouille de texte**, à moins que des mesures ne soient prises pour remédier à l'insécurité juridique qui **l'entoure**.

Or. fr

Amendment 131

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 9 b (new)

Text proposed by the Commission

Amendment

(9 b) Furthermore, there is widespread acknowledgment that access to normalised information in a format which enables it to be subjected to text and data mining can in particular benefit the research community in its entirety including to smaller research organisations especially when there is no lawful access to content, for example through subscriptions to publications or open access licences. In the Union, research organisations such as universities and research institutes are confronted with challenges to gain lawful access to the volume of digitally stored information required for new knowledge to be sought through the use of text and data mining.

Or. en

Amendment 132

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) Furthermore, there is widespread acknowledgement that access to information in a format which enables it to be subjected to text and data mining can, in particular, benefit the research community in its entirety including smaller research organisations, especially where there is no lawful access to content such as through subscriptions to scientific publications or open access licences. In the Union, research organisations such as universities and research institutes, as well as organisations such as libraries and cultural heritage institutions that support research, are confronted with challenges to gain lawful access to the volume of digitally stored information required for new knowledge to be sought by means of text and data mining. There are also many other types of content, such as trade publications, film, sound, the wider Internet, that are also the subject of analysis through text and data mining, where access can also be a problem, and where rightholders will be less able to create versions of their works in usable formats.

Or. en

Amendment 133
Emil Radev

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 а) Освен това е широко известно, че достъпът до информация във формат, който се поддава на извличане на информация от текст и данни, може по-специално да бъде от полза за цялата научна общност, включително за малките научни организации, особено в случаите, в които липсва законен достъп до съдържание, например чрез абонаменти за научни публикации или лицензии за свободен достъп. В Съюза научните организации като университетите и научните институти, както и организации като обществени библиотеки и институции за културно наследство, които подкрепят научните изследвания, се сблъскват със затруднения при достъпа до необходимия обем информация, съхраняван в цифров формат, от който те се нуждаят за придобиването на нови познания посредством извличане на информация от текст и данни.

Or. bg

Amendment 134

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) Scientific data produced with public funding should be made available in an open format, so that researchers, citizens and companies can access the data and re-use them, including to perform text and data mining. This obligation should create an Open Data mandate for the benefit of researchers and of European SMEs and start-ups. For the advancement of European innovation, guiding principles on text and data mining enablement should be further scrutinised along the lines of the Horizon 2020 Open Research Data Pilot. The exception for text and data mining should cover all data sources, including data hosted by information society service providers, so that concentrated and anti-competitive research models can be avoided.

Or. en

Amendment 135
Tadeusz Zwiefka

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

*(10) This legal uncertainty should be deleted
addressed by providing for a mandatory
exception to the right of reproduction and also
to the right to prevent extraction from a
database. The new exception should be without
prejudice to the existing mandatory exception
on temporary acts of reproduction laid down in
Article 5(1) of Directive 2001/29, which should
continue to apply to text and data mining
techniques which do not involve the making of
copies going beyond the scope of that
exception. Research organisations should also
benefit from the exception when they engage
into public-private partnerships.*

Or. en

Amendment 136

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. ***The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. Research organisations should also benefit from the exception when they engage into public-private partnerships.***

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database ***for the purposes of text and data mining, which should not be subject to compensation given that in view of the nature and scope of the exception the harm should be minimal. An additional mandatory exception should allow research organisations to have access to normalised information in a format that enables it to be text and data mined provided that that process is carried out by the research organisation. Rightholders should not be able to seek compensation for this exception that goes beyond what is necessary and proportionate to the cost of the normalisation process. Research organisations should also benefit from this exception when they engage in public-private partnerships. These new exceptions*** should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception.

Or. en

Amendment 137
Jens Rohde

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. Research organisations should also benefit from the exception when they engage into public-private partnerships.

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***To prevent unjustified dissemination of the content necessary for text and data mining, research organisations should destroy the content reproduced for the purpose of text and data mining once all the acts necessary for the research have been performed.*** Research organisations should also benefit from the exception when they engage into public-private partnerships, ***provided that the text and data mining act performed relate directly to the purpose of the research carried out in the partnership concerned.***

Or. en

Justification

It needs to be clarified that access for the purpose of text and data mining is limited to that purpose and thus any reproduced content needs to be destroyed upon completion of the text and data mining project. The inclusion of public-private partnerships should be limited to research purposes and not to private companies generating commercial value with the data mined content.

Amendment 138

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. Research organisations should also benefit from the exception when they *engage* into public-private partnerships.

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***To prevent unjustified dissemination of the content necessary for text and data mining, research organisations should destroy the content reproduced for the purpose of text and data mining once all the acts necessary for the research have been performed.*** Research organisations should also benefit from the exception when they *enter* into public-private partnerships ***provided that the text and data mining acts performed relate directly to the purpose of the research carried out in the partnership concerned.***

Or. en

Justification

It is crucial to avoid the unjustified dissemination of protected works.

Amendment 139

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***Research organisations should also benefit from the exception when they engage into public-private partnerships.***

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception ***for all persons, whether legal or natural,*** to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***Stakeholder dialogue aimed at expanding access to database purely for text and data mining purposes should be encouraged, where research organizations do not currently have legal access to original works.***

Or. en

Amendment 140

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should *be without prejudice* to the *existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to* text and data mining *techniques which do not involve the making of copies going beyond the scope of that exception. Research organisations should also benefit from the exception when they engage into public-private partnerships.*

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should *only apply* to the text and data mining *process pursued for non-commercial purpose. Rightholders should still be entitled to develop licences and to receive payment.*

Or. en

Amendment 141

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Diese Rechtsunsicherheit könnte durch die Einführung einer verbindlichen Ausnahme für das Vervielfältigungsrecht, aber auch für das Recht, Entnahmen aus einer Datenbank zu untersagen, beseitigt werden. Die neue Ausnahmeregelung sollte unbeschadet der in Artikel 5 Absatz 1 der Richtlinie 2001/29/EG bereits festgelegten Ausnahme für vorübergehende Vervielfältigungshandlungen gelten, die weiterhin auf Text- und Data-Mining-Techniken angewandt werden sollte, sofern diese nicht die Anfertigung von Kopien in einem über diese Ausnahme hinausgehenden Umfang beinhalten. Forschungsorganisationen, die an einer öffentlich-privaten Partnerschaft beteiligt sind, sollten auf diese Ausnahme auch zurückgreifen können.

Amendment

(10) Diese Rechtsunsicherheit könnte durch die Einführung einer verbindlichen Ausnahme für das Vervielfältigungsrecht, aber auch für das Recht, Entnahmen aus einer Datenbank zu untersagen, beseitigt werden. Die neue Ausnahmeregelung sollte unbeschadet der in Artikel 5 Absatz 1 der Richtlinie 2001/29/EG bereits festgelegten Ausnahme für vorübergehende Vervielfältigungshandlungen gelten, die weiterhin auf Text- und Data-Mining-Techniken angewandt werden sollte, sofern diese nicht die Anfertigung von Kopien in einem über diese Ausnahme hinausgehenden Umfang beinhalten. Forschungsorganisationen, die an einer öffentlich-privaten Partnerschaft beteiligt sind, sollten auf diese Ausnahme auch zurückgreifen können, ***solange das an der Partnerschaft beteiligte Unternehmen ebenfalls über einen rechtmäßigen Zugang zu den Werken oder sonstigen Schutzgegenständen verfügt.***

Or. de

Amendment 142
Constance Le Grip

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. Research organisations should also benefit from the exception when they engage into public-private partnerships.

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. Research organisations should also benefit from the exception when they engage into public-private partnerships, ***provided that private partners involved in such partnerships operate on a non-for-profit basis.***

Or. en

Amendment 143
Emil Radev

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Въпросната правна несигурност следва да се премахне, като се въведе задължително изключение за **правото на възпроизвеждане, както и за правото да не се допуска извличане от база данни.** Новото изключение не бива да накърнява действащото задължително изключение за временните действия на възпроизвеждане по член 5, параграф 1 от Директива 2001/29, което следва да продължи да се прилага по отношение на способите за извличане на информация от текст и данни, които не предполагат да се правят копия извън обхвата на изключението. Научните организации следва също така да се възползват от изключението, когато участват в публично-частни партньорства.

Amendment

(10) Въпросната правна несигурност следва да се премахне, като се въведе задължително изключение за **достъпа на научните организации и обществените библиотеки, във формат, който позволява извличането на информация от текст. Това** изключение не бива да накърнява действащото задължително изключение за временните действия на възпроизвеждане по член 5, параграф 1 от Директива 2001/29, което следва да продължи да се прилага по отношение на способите за извличане на информация от текст и данни, които не предполагат да се правят копия извън обхвата на изключението. Научните организации **и обществените библиотеки** следва също така да се възползват от изключението, когато участват в публично-частни партньорства.

Or. bg

Amendment 144

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Cette insécurité juridique devrait être corrigée en prévoyant une exception ***obligatoire*** au droit de reproduction ***ainsi qu'au droit d'empêcher l'extraction à partir d'une base de données***. La nouvelle exception devrait s'appliquer sans préjudice de l'exception obligatoire en vigueur concernant les actes de reproduction provisoires énoncée à l'article 5, paragraphe 1, de la directive 2001/29, qui devrait continuer à s'appliquer aux techniques de fouille de textes et de données n'impliquant pas la confection de copies qui dépassent le champ d'application de ladite exception. Les organismes de recherche devraient également bénéficier de cette exception lorsqu'ils s'engagent dans des partenariats public-privé.

Amendment

(10) Cette insécurité juridique devrait être corrigée en prévoyant une exception ***facultative*** au droit de reproduction. La nouvelle exception devrait s'appliquer sans préjudice de l'exception obligatoire en vigueur concernant les actes de reproduction provisoires énoncée à l'article 5, paragraphe 1, de la directive 2001/29, qui devrait continuer à s'appliquer aux techniques de fouille de textes et de données n'impliquant pas la confection de copies qui dépassent le champ d'application de ladite exception. Les organismes de recherche devraient également bénéficier de cette exception lorsqu'ils s'engagent dans des partenariats public-privé.

Or. fr

Amendment 145

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. **Research organisations** should also benefit from the exception when they engage into public-private partnerships.

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database ***for research purposes***. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***Member States*** should ***be able to determine that researchers can*** also benefit from the exception when they engage into public-private partnerships.

Or. en

Amendment 146

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. **Research organisations should** also benefit from the exception when they engage into public-private partnerships.

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database, **including raw data**. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. **Legal entities could** also benefit from the exception when they engage into public-private partnerships.

Or. en

Amendment 147

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***Research organisations should also benefit from the exception when they engage into public-private partnerships.***

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. ***Research organisations should also benefit from the exception when they engage into public-private partnerships.*** The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception.

Or. en

Amendment 148

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 bis) Bisognerebbe considerare che l'innovazione tecnologica può costituire un fattore di obsolescenza delle norme giuridiche, per contrastare il quale sarebbe opportuno semplificare e modernizzare il quadro giuridico dei diritti d'autore e connessi introducendo una norma aperta sull'interpretazione delle eccezioni e limitazioni.

Or. it

Amendment 149

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 bis) Dans le cadre de partenariats public-privé, l'intervention d'un organisme privé ne devrait se faire que s'il représente une structure à but non commercial et s'il a un accès légitime au contenu.

Or. fr

Amendment 150

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 11

Text proposed by the Commission

Amendment

***(11) Research organisations across the Union deleted
encompass a wide variety of entities the
primary goal of which is to conduct scientific
research or to do so together with the provision
of educational services. Due to the diversity of
such entities, it is important to have a common
understanding of the beneficiaries of the
exception. Despite different legal forms and
structures, research organisations across
Member States generally have in common that
they act either on a not for profit basis or in
the context of a public-interest mission
recognised by the State. Such a public-interest
mission may, for example, be reflected through
public funding or through provisions in
national laws or public contracts. At the same
time, organisations upon which commercial
undertakings have a decisive influence
allowing them to exercise control because of
structural situations such as their quality of
shareholders or members, which may result in
preferential access to the results of the
research, should not be considered research
organisations for the purposes of this
Directive.***

Or. en

Amendment 151
Tadeusz Zwiefka

Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations upon which commercial undertakings have a decisive influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive. ***deleted***

Or. en

Amendment 152

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 11

Text proposed by the Commission

Amendment

***(11) Research organisations across the Union deleted
encompass a wide variety of entities the
primary goal of which is to conduct scientific
research or to do so together with the provision
of educational services. Due to the diversity of
such entities, it is important to have a common
understanding of the beneficiaries of the
exception. Despite different legal forms and
structures, research organisations across
Member States generally have in common that
they act either on a not for profit basis or in
the context of a public-interest mission
recognised by the State. Such a public-interest
mission may, for example, be reflected through
public funding or through provisions in
national laws or public contracts. At the same
time, organisations upon which commercial
undertakings have a decisive influence
allowing them to exercise control because of
structural situations such as their quality of
shareholders or members, which may result in
preferential access to the results of the
research, should not be considered research
organisations for the purposes of this
Directive.***

Or. en

Amendment 153

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a ***not for profit*** basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations upon which commercial undertakings have a ***decisive*** influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.

Amendment

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a ***non-commercial*** basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. ***Research organisations that carry out text and data mining for a commercial purpose, should not be considered research organisation for the purpose of this Directive.*** At the same time, organisations upon which commercial undertakings have a ***significant*** influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive. ***Research organisations that carry out text and data mining as part of public-private partnership should benefit from the exception provided that they act on a non-profit, non-commercial purpose. Therefore, content used by research organisations that carry out text and data mining for commercial purposes as part of a public-private partnership should be lawfully acquired by their commercial partner.***

Amendment 154

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) In der Union gibt es eine Vielzahl von Forschungsorganisationen, deren vorrangiges Ziel die wissenschaftliche Forschung ist oder die Forschung in Verbindung mit Lehre. Angesichts der Vielfalt dieser Einrichtungen sollte ein Konsens über die Begünstigten der Ausnahmeregelung erzielt werden. Trotz unterschiedlicher Rechtsformen und Strukturen ist den Forschungsorganisationen in der Regel unionsweit gemein, dass sie entweder nicht gewinnorientiert sind oder in staatlich anerkanntem Auftrag im öffentlichen Interesse handeln. Kennzeichnend für einen **solchen** Auftrag im öffentlichen Interesse ist beispielsweise die Finanzierung durch die öffentliche Hand oder sind Bestimmungen im einzelstaatlichen Recht oder öffentlichen Verträgen. Für die Zwecke dieser Richtlinie sollten hingegen Organisationen nicht als Forschungsorganisationen gelten, wenn sie dem bestimmenden Einfluss gewerblicher Unternehmen unterliegen, die aufgrund der strukturellen Gegebenheiten beispielsweise als Anteilseigner oder Mitglieder Kontrolle ausüben können und dadurch einen bevorzugten Zugang zu den Forschungsergebnissen erhalten könnten.

Amendment

(11) In der Union gibt es eine Vielzahl von Forschungsorganisationen, deren vorrangiges Ziel die wissenschaftliche Forschung ist oder die Forschung in Verbindung mit Lehre. Angesichts der Vielfalt dieser Einrichtungen sollte ein Konsens über die Begünstigten der Ausnahmeregelung erzielt werden. Trotz unterschiedlicher Rechtsformen und Strukturen ist den Forschungsorganisationen in der Regel unionsweit gemein, dass sie entweder nicht gewinnorientiert **bzw. nicht-geschäftlich** sind oder in staatlich anerkanntem Auftrag im öffentlichen Interesse handeln. **Dies gilt beispielsweise für Universitäten und deren Bibliotheken sowie Museen, wenn der Bildungsauftrag oder die wissenschaftliche Forschung das vorrangige Ziel darstellt.** Kennzeichnend für einen Auftrag im öffentlichen Interesse ist beispielsweise die Finanzierung durch die öffentliche Hand oder sind Bestimmungen im einzelstaatlichen Recht oder öffentlichen Verträgen. Für die Zwecke dieser Richtlinie sollten hingegen Organisationen nicht als Forschungsorganisationen gelten, wenn **diese mit ihrer Investition in Text und Data Mining auf Gewinnerzielung gerichtet sind, oder wenn** sie dem bestimmenden Einfluss gewerblicher Unternehmen unterliegen, die aufgrund der strukturellen Gegebenheiten beispielsweise als Anteilseigner oder Mitglieder Kontrolle ausüben können und dadurch einen bevorzugten Zugang zu den Forschungsergebnissen erhalten könnten. **Für den Fall, dass eine Forschungsorganisation im Rahmen einer öffentlich-privaten Partnerschaft Text- und Data-Mining zugunsten des wirtschaftlichen Unternehmens durchführt, ist es notwendig, dass auch das Unternehmen über einen rechtmäßigen Zugang zu den Werken oder sonstigen Schutzgegenständen verfügt.**

Amendment 155
Jens Rohde

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations upon which commercial undertakings have a *decisive* influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.

Amendment

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit ***and non-commercial*** basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. ***Such research organisations include publicly funded universities, including their libraries, museums and laboratories if their primary goal is to provide educational services and to conduct scientific research. Organisations which seek to obtain a commercial profit on their investment in text and data mining should not be considered research organisations for the purpose of this Directive.*** At the same time, organisations upon which commercial undertakings have a ***significant*** influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.

Or. en

Justification

It should be clarified that libraries, museums and laboratories of universities and research institutes are covered by the exception. Research organisations seeking to obtain a commercial profit on the text and data mining product should not benefit from the TDM exception.

Amendment 156

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct **scientific** research or to do so together with the provision of educational services. **Due to** the diversity of such entities, it is important **to have a common understanding of the beneficiaries of the exception**. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. **At the same time, organisations upon which commercial undertakings have a decisive influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.**

Amendment

(11) Research organisations across the Union encompass a wide variety **and size** of entities the primary goal of which is to conduct research or to do so together with the provision of educational services. **Taking into account** the diversity of such entities, **for instance small research organisations with only limited access to content**, it is important **that rightholders provide access to normalised datasets for the purpose of text and data mining**. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts.

Or. en

Amendment 157

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) **Research** organisations across the Union encompass ***a wide variety of entities*** the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations upon which commercial undertakings have a decisive influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.

Amendment

(11) Organisations across the Union encompass, ***which carry out research, include the public sector and cultural heritage institutions***, the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations upon which commercial undertakings have a decisive influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.

Or. en

Amendment 158
Tadeusz Zwiefka

Proposal for a directive
Recital 12

Text proposed by the Commission

Amendment

(12) In view of a potentially high number of access requests to and downloads of their works or other subject-matter, rightholders should be allowed to apply measures where there is risk that the security and integrity of the system or databases where the works or other subject-matter are hosted would be jeopardised. Those measures should not exceed what is necessary to pursue the objective of ensuring the security and integrity of the system and should not undermine the effective application of the exception. *deleted*

Or. en

Amendment 159

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) In view of a potentially high number of access requests to and downloads of *their* works or other subject-matter, *rightholders should be allowed to apply measures where there is risk that the security and integrity of the system or databases where the works or other subject-matter are hosted would be jeopardised. Those measures should not exceed what is necessary to pursue the objective of ensuring the security and integrity of the system and should not undermine the effective application of the exception.*

Amendment

(12) In view of a potentially high number of access requests to and downloads of works or other subject-matter, *and in order to ensure reproducibility of research results, Member States shall designate a facility to safely store datasets used for text and data mining.*

Or. en

Amendment 160
Jiří Maštálka

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) In view of a potentially high number of access requests to and downloads of their works or other subject-matter, rightholders should be allowed to apply measures where there is risk that the security *and integrity* of the system or databases where the works or other subject-matter are hosted would be jeopardised. ***Those measures should not exceed what is necessary to pursue the objective of ensuring the security and integrity of the system and should not undermine the effective application of the exception.***

Amendment

(12) In view of a potentially high number of access requests to and downloads of their works or other subject-matter, rightholders should be allowed to apply measures where there is risk that the security of the system or databases where the works or other subject-matter are hosted would be jeopardised.

Or. en

Amendment 161

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) ***In view of a potentially high number of access requests to and downloads of their works or other subject-matter***, rightholders should be allowed to apply measures where there is risk that the security and integrity of the system or databases where the works or other subject-matter are hosted ***would*** be jeopardised. Those measures should not exceed what is necessary to pursue the objective of ensuring the security and integrity of the system and should not undermine the effective application of the exception.

Amendment

(12) Rightholders should be allowed to apply measures where there is risk that the security and integrity of the system or databases where the works or other subject-matter are hosted ***could*** be jeopardised. Those measures should ***be transparent, non-discriminatory, proportionate and*** not exceed what is necessary to pursue the objective of ensuring the security and integrity of the system and should not undermine ***in any way*** the effective application of the exception.

Or. en

Amendment 162
Emil Radev

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) С оглед на потенциално големия брой заявки за достъп и сваляне на техните произведения или други обекти, носителите на права следва да имат възможност да прилагат мерки, когато има риск да бъдат застрашени сигурността **и целостта** на системите или базите данни, където са хоствани тези произведения или други обекти. Въпросните мерки не бива да надхвърлят необходимото за постигане на целта да се гарантира сигурността **и целостта** на системата и не бива да пречат на ефективното прилагане на изключението.

Amendment

(12) С оглед на потенциално големия брой заявки за достъп и сваляне на техните произведения или други обекти, носителите на права следва да имат възможност да прилагат мерки, когато има риск да бъдат застрашени сигурността на системите или базите данни, където са хоствани тези произведения или други обекти. Въпросните мерки не бива да надхвърлят необходимото за постигане на целта да се гарантира сигурността на системата и не бива да пречат на ефективното прилагане на изключението.

Or. bg

Amendment 163
Tadeusz Zwiefka

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) There is no need to provide for compensation for rightholders as regards uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception the harm should be minimal. *deleted*

Or. en

Amendment 164

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) There is no need to provide for compensation for rightholders as regards uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception ***the harm should be minimal.***

Amendment

(13) There is no need to provide for compensation for rightholders as regards uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception ***there would be no unreasonable prejudice to the interests of right holders. Use under the text and data mining exception would also not conflict with the normal exploitation of the works in a way that calls for separate compensation.***

Or. en

Amendment 165
Constance Le Grip

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) There is no need to provide for compensation for rightholders as regards uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception the harm should be minimal.

Amendment

(13) There is no need to provide for compensation for rightholders as regards uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception the harm should be minimal. ***However, where rightholders are providing research organisations with normalised information enabling mining, they should be able to seek compensation related to the cost of the normalisation process.***

Or. en

Amendment 166

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 13

Text proposed by the Commission

Amendment

(13) ***There is no need to provide for compensation for rightholders as regards*** uses under the text and data mining exception introduced by this Directive given ***that in view of the nature and*** scope of the exception ***the harm should be minimal.***

(13) ***Rightholders should be compensated for*** uses under the text and data mining exception introduced by this Directive given ***the mandatory nature of the exception and the consequent investments that would be required by rightholders to make technically possible and facilitate the wide use of text and data mining techniques under the*** scope of the exception, ***which cause sufficient harm to justify such compensation.***

Or. en

Justification

It would be better if the decision on the introduction of compensation was left to the Member States. Such an approach could also consider the differences between the Member States in this area and would leave them the possibility to adjust their system even after the implementation of the Directive, according to future experiences and developments.

Amendment 167
Emil Radev

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) **Не е необходимо** да се предвижда обезщетение за носителите на права по отношение на **използването в обхвата на въведеното с настоящата директива изключение** за извличането на информация от текст и данни, **предвид това, че с оглед на естеството и обхвата на изключението се очаква вредите да бъдат минимални.**

Amendment

(13) **Необходимо е** да се предвижда обезщетение за носителите на права по отношение на **изключението, което позволява на научните организации и обществените библиотеки, които нямат законен достъп до информация, да получат достъп до нормализирани данни, които са подходящи за извличането на информация от текст и данни, но само доколкото това обезщетение е пропорционално на разходите, свързани с процеса на нормализиране на данните**

Or. bg

Amendment 168

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) ***There is no need to provide for compensation for rightholders*** as regards uses under the text and data mining exception introduced by this Directive ***given that in view of the nature and scope of the exception the harm should be minimal.***

Amendment

(13) ***Considering the harm caused to rightholders, Member states should provide them with compensation*** as regards uses under the text and data mining exception introduced by this Directive.

Or. en

Amendment 169

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Il ***n'est pas*** nécessaire de prévoir une compensation pour les titulaires de droits en ce qui concerne les utilisations relevant de l'exception en matière de fouille de textes ***et de données*** introduite par la présente directive, ***étant donné que, vu la nature et la portée de cette exception, le préjudice devrait être minime.***

Amendment

(13) Il ***est*** nécessaire de prévoir une compensation pour les titulaires de droits en ce qui concerne les utilisations relevant de l'exception en matière de fouille de textes introduite par la présente directive, ***le principe de compensation étant au cœur du modèle encadrant le droit d'auteur.***

Or. fr

Amendment 170

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) The process of text and data mining includes a substantial download of protected works and other subject matter. Therefore the storage and copy of content should be strictly limited to what is necessary to verify results. Any copies stored should be deleted after a reasonable period of time, in order to avoid other uses not covered by the exception.

Or. en

Amendment 171

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) L'article 5, paragraphe 3, point a), de la directive 2001/29/CE **autorise les États membres à** prévoir une exception ou une limitation aux droits de reproduction, de communication d'œuvres au public et de mise à la disposition de ce dernier à des fins exclusives, notamment, d'illustration dans le cadre de l'enseignement. En outre, l'article 6, paragraphe 2, point b) et l'article 9, point b), de la directive 96/9/CE autorisent l'utilisation d'une base de données et l'extraction ou la réutilisation **d'une partie substantielle du** contenu de celle-ci à des fins d'illustration de l'enseignement. La portée de ces exceptions ou limitations manque de clarté lorsqu'elles s'appliquent aux utilisations numériques. En outre, il n'est pas clairement établi si ces exceptions ou limitations s'appliqueraient dans le cas de l'enseignement dispensé en ligne et donc à distance. **De plus, le cadre existant ne prévoit pas d'effet transfrontière. Cette situation pourrait entraver le développement des activités d'enseignement s'appuyant sur le numérique et de l'apprentissage à distance. Par conséquent, l'introduction d'une nouvelle** exception ou limitation **obligatoire est nécessaire** pour faire en sorte que les établissements d'enseignement bénéficient d'une sécurité juridique totale en cas d'utilisation d'œuvres ou autres objets protégés dans le cadre d'activités pédagogiques numériques, notamment en ligne **et dans des situations transfrontières.**

Amendment

(14) **Certains systèmes juridiques nationaux des États membres, ou encore** l'article 5, paragraphe 3, point a), de la directive 2001/29/CE **dispose de la possibilité pour les États membres de** prévoir une exception ou une limitation aux droits de reproduction, de communication d'œuvres au public et de mise à la disposition de ce dernier à des fins exclusives, notamment, d'illustration dans le cadre de l'enseignement. En outre, l'article 6, paragraphe 2, point b) et l'article 9, point b), de la directive 96/9/CE autorisent l'utilisation d'une base de données et l'extraction ou la réutilisation **d'extraits d'œuvres ou de** contenu de celle-ci à des fins d'illustration de l'enseignement. La portée de ces exceptions ou limitations manque de clarté lorsqu'elles s'appliquent aux utilisations numériques. En outre, il n'est pas clairement établi si ces exceptions ou limitations s'appliqueraient dans le cas de l'enseignement dispensé en ligne et donc à distance. **Il faudrait donc étendre** cette exception ou limitation **facultative à l'enseignement numérique** pour faire en sorte que les établissements d'enseignement bénéficient d'une sécurité juridique totale en cas d'utilisation **d'extraits** d'œuvres ou autres objets protégés dans le cadre d'activités pédagogiques numériques, notamment en ligne.

Or. fr

Amendment 172

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the **sole** purpose of, **among others**, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure **that educational establishments benefit from** full legal certainty when using works or other subject-matter in **digital** teaching activities, including online and across borders.

Amendment

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the purpose of illustration for teaching **or scientific research**. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect, **nor allow the application of such exceptions or limitations to private study purposes**. This situation may hamper the development of digitally-supported teaching activities and distance learning, **scientific research and private study**. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure full legal certainty when using works or other subject-matter in **all** teaching activities, **scientific research and private study**, including **digital**, online and across borders.

Or. en

Amendment 173

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, ***Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching.*** The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational establishments benefit from full legal certainty when using works or other subject-matter in ***digital*** teaching activities, including online and across borders.

Amendment

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, ***to uneven application across EU Member States***, the scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational establishments benefit from full legal certainty when using works or other subject-matter in ***all*** teaching activities, including online and across borders.

Or. en

Amendment 174
Daniel Buda

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Prin articolul 5 alineatul (3) litera (a) din Directiva 2001/29/CE, statelor membre le este permis să introducă o excepție sau o limitare a dreptului de reproducere, a dreptului de comunicare publică și a dreptului de punere la dispoziția publicului în scopul unic, printre altele, al ilustrării didactice. În plus, prin articolul 6 alineatul (2) litera (b) și articolul 9 litera (b) din Directiva 96/9/CE, se permite utilizarea unei baze de date și extragerea sau reutilizarea unei părți substanțiale a conținutului acesteia în scopul ilustrării didactice. Domeniul de aplicare al acestor excepții sau limitări în cazul utilizărilor digitale este neclar. În plus, nu se știe sigur dacă respectivele excepții sau limitări se aplică în cazul în care serviciul didactic este furnizat online și, prin urmare, la distanță. De asemenea, cadrul actual nu prevede niciun efect transfrontalier. Această situație ar putea împiedica dezvoltarea activităților de predare pe suport digital și învățământul la distanță. Prin urmare, introducerea unei noi excepții obligatorii sau a unei limitări este necesară pentru a se asigura faptul că instituțiile de învățământ beneficiază de securitate juridică deplină atunci când utilizează opere sau alte obiecte protejate în activitățile didactice digitale, inclusiv în mediul online și în cel transfrontalier.

Amendment

(14) Prin articolul 5 alineatul (3) litera (a) din Directiva 2001/29/CE, statelor membre le este permis să introducă o excepție sau o limitare a dreptului de reproducere, a dreptului de comunicare publică și a dreptului de punere la dispoziția publicului în scopul unic, printre altele, al ilustrării didactice. În plus, prin articolul 6 alineatul (2) litera (b) și articolul 9 litera (b) din Directiva 96/9/CE, se permite utilizarea unei baze de date și extragerea sau reutilizarea unei părți substanțiale a conținutului acesteia în scopul ilustrării didactice. Domeniul de aplicare al acestor excepții sau limitări în cazul utilizărilor digitale este neclar. În plus, nu se știe sigur dacă respectivele excepții sau limitări se aplică în cazul în care serviciul didactic este furnizat online și, prin urmare, la distanță. De asemenea, cadrul actual nu prevede niciun efect transfrontalier. Această situație ar putea împiedica dezvoltarea activităților de predare pe suport digital și învățământul la distanță. Prin urmare, introducerea unei noi excepții obligatorii sau a unei limitări este necesară pentru a se asigura faptul că instituțiile de învățământ beneficiază de securitate juridică deplină atunci când utilizează opere sau alte obiecte protejate în activitățile didactice digitale, inclusiv în mediul online și în cel transfrontalier. **Articolul 5 alineatul (5) din Directiva 2001/29/CE ar trebui să se aplice tuturor excepțiilor și limitărilor prevăzute de prezenta Directivă.**

Or. ro

Amendment 175

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. ***The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition,*** there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational establishments benefit from full legal certainty when using works or other subject-matter in digital teaching activities, including online and across borders.

Amendment

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. There is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational establishments benefit from full legal certainty when using works or other subject-matter in digital teaching activities, including online and across borders.

Or. en

Amendment 176
Emil Radev

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Член 5, параграф 3, буква а) от Директива 2001/29/ЕО позволява на държавите членки да предвидят изключение или ограничение за правото на възпроизвеждане, съобщаване на публиката и предоставяне на публично разположение единствено за илюстриране при преподаване сред останалите видове използване. В допълнение към това член 6, параграф 2, буква б) и член 9, буква б) от Директива 96/9/ЕО допускат използване на база данни и извличане или повторно използване на съществена част от нейното съдържание с цел да се илюстрира преподаване. Неясна е степента, до която тези изключения или ограничения се прилагат за цифровото използване. В допълнение към това липсва яснота по въпроса дали тези изключения или ограничения са приложими, когато преподаването се извършва онлайн и следователно в дистанционна форма. Нещо повече, съществуващата рамка не предвижда трансгранично действие. Това положение може да попречи на развитието на осъществявани с дигитални помощни средства преподавателски дейности и на дистанционното обучение. Поради това е необходимо да се въведе ново задължително изключение или ограничение, за да се гарантира, че образователните институции се ползват от пълна правна сигурност, когато използват произведения или други обекти **в дейностите** за цифрово преподаване, включително онлайн и през границите.

Amendment

(14) Член 5, параграф 3, буква а) от Директива 2001/29/ЕО позволява на държавите членки да предвидят изключение или ограничение за правото на възпроизвеждане, съобщаване на публиката и предоставяне на публично разположение единствено за илюстриране при преподаване сред останалите видове използване. В допълнение към това член 6, параграф 2, буква б) и член 9, буква б) от Директива 96/9/ЕО допускат използване на база данни и извличане или повторно използване на съществена част от нейното съдържание с цел да се илюстрира преподаване. **В допълнение към различното прилагане в държавите членки на Съюза, неясна е и** степента, до която тези изключения или ограничения се прилагат за цифровото използване. В допълнение към това липсва яснота по въпроса дали тези изключения или ограничения са приложими, когато преподаването се извършва онлайн и следователно в дистанционна форма. Нещо повече, съществуващата рамка не предвижда трансгранично действие. Това положение може да попречи на развитието на осъществявани с дигитални помощни средства преподавателски дейности и на дистанционното обучение. Поради това е необходимо да се въведе ново задължително изключение или ограничение, за да се гарантира, че образователните институции се ползват от пълна правна сигурност, когато използват произведения или други обекти **във всички дейности** за цифрово преподаване, включително онлайн и през границите.

Amendment 177
Kosma Złotowski

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational ***establishments*** benefit from full legal certainty when using works or other subject-matter in ***digital*** teaching activities, including online and across borders.

Amendment

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that ***all persons and entities providing an educational activity*** benefit from full legal certainty when using works or other subject-matter in teaching activities, including online and across borders.

Or. en

Amendment 178
Julia Reda

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the **sole** purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. ***The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance.*** Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational ***establishments*** benefit from full legal certainty when using works or other subject-matter in ***digital teaching*** activities, including online and across borders.

Amendment

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. ***However, those exceptions and limitations are not mandatory and some Member States have followed a too narrow interpretation of illustration for teaching in their national implementations of the exceptions.*** Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational ***activities*** benefit from full legal certainty when using works or other subject-matter in ***research and education*** activities, including online and across borders.

Or. en

Amendment 179
Emil Radev

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) Докато програмите за дистанционно обучение и трансгранично образование се разработват предимно на равнището на висшето образование, цифрови средства и ресурси все повече се използват на всички равнища на образованието, **по-специално** за подобряване и обогатяване на ученето. Поради това изключението или ограничението, предвидено в настоящата директива, следва да бъде от полза за всички образователни институции в основното, средното, професионалното и висшето образование, доколкото те извършват образователна дейност с нетърговска цел. Организационната структура и средствата за финансиране на образователната институция не са решаващи фактори за определяне на нетърговския характер на дейността.

Amendment

(15) Докато програмите за дистанционно обучение и трансгранично образование се разработват предимно на равнището на висшето образование, цифрови средства и ресурси все повече се използват на всички равнища на образованието, **по-специално** за подобряване и обогатяване на ученето. Поради това изключението или ограничението, предвидено в настоящата директива, следва да бъде от полза за всички образователни институции в основното, средното, професионалното и висшето образование, **както и от полза за организации като библиотеки и други институции за културно наследство, предоставящи неформално или самостоятелно обучение**, доколкото те извършват образователна дейност с нетърговска цел. **В съответствие със заключенията на Съвета от 12 май 2009 г. относно стратегическа рамка за европейско сътрудничество в областта на образованието и обучението (ECET 2020), приносът на неофициалното и формалното образование, наред с официалното образование, следва да бъдат признати и развити с цел да се осигури постигането на целите на Съюза.** Организационната структура и средствата за финансиране на образователната институция не са решаващи фактори за определяне на нетърговския характер на дейността.

Or. bg

Amendment 180

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments ***recognized by the Member State in which they are established*** in primary, secondary, vocational and higher education ***as well as libraries or other public and non - profit institutions providing non-formal or informal cultural and other education***, to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 181
Daniel Buda

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) Deși programele de învățare la distanță și programele educaționale transfrontaliere sunt dezvoltate cel mai adesea la nivelul învățământului superior, instrumentele și resursele digitale sunt utilizate din ce în ce mai mult la toate nivelurile de învățământ, în special pentru a îmbunătăți și a îmbogăți experiența de învățare. De excepția sau limitarea prevăzută în prezenta directivă ar trebui, prin urmare, să beneficieze toate instituțiile de învățământ din cadrul învățământului primar, secundar, profesional și superior, în măsura în care acestea își desfășoară activitatea educațională în scopuri necomerciale. Structura de organizare și mijloacele de finanțare ale unei instituții de învățământ nu sunt factorii decisivi pentru a stabili natura necomercială a activității.

Amendment

(15) Deși programele de învățare la distanță și programele educaționale transfrontaliere sunt dezvoltate cel mai adesea la nivelul învățământului superior, instrumentele și resursele digitale sunt utilizate din ce în ce mai mult la toate nivelurile de învățământ, în special pentru a îmbunătăți și a îmbogăți experiența de învățare. De excepția sau limitarea prevăzută în prezenta directivă ar trebui, prin urmare, să beneficieze toate instituțiile de învățământ din cadrul învățământului primar, secundar, profesional și superior, în măsura în care acestea își desfășoară activitatea educațională în scopuri necomerciale **și în măsura în care acestea sunt recunoscute ca atare sau acreditate ca instituții de învățământ de autoritățile naționale competente**. Structura de organizare și mijloacele de finanțare ale unei instituții de învățământ nu sunt factorii decisivi pentru a stabili natura necomercială a activității.

Or. ro

Amendment 182

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education, ***also including libraries which provide non-formal learning activities for a wide range of citizens across the Union every year*** to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 183

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin, Mary Honeyball

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education, ***as well as organizations such as libraries and other cultural heritage institutions providing non-formal education*** to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 184

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational ***establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose***. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. ***Such tools are also used in scientific research and private study activities.*** The exception or limitation provided for in this Directive should therefore benefit all educational, ***scientific and private study activities for a non-commercial purpose.*** ***Access to works and other subject matter should take place through a secure electronic network.*** The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 185
Julia Reda

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational *establishments* in primary, secondary, vocational and higher education *to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the* activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all *research and* educational *activities, including* in primary, secondary, vocational and higher education, *as well as citizens science and non-formal education, to the extent they pursue their educational* activity.

Or. en

Amendment 186
Kosma Złotowski

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all ***persons and entities providing an educational activity***, educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 187
Kosma Złotowski

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of *an* educational ***establishment*** are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of ***the person or entity providing the*** educational ***activity*** are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 188

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning, ***e-learning***, and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 189

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should ***therefore*** benefit ***all*** educational ***establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose***. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should ***also*** benefit ***entities providing educational activities, such as museums, libraries, archives and civil society organisations***. The organisational structure and the means of funding of an educational establishment ***or an entity providing educational activities*** are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 190

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover digital **uses** of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. ***The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures.*** The exception ***or limitation*** should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Amendment

(16) The exception or limitation should cover ***all uses, including digital and online ones***, of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities, ***the scientific research and private study***. The exception should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching ***or scientific research, as well as private study***.

Or. en

Amendment 191

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Amendment

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities ***to the extent justified by the non-commercial purpose to be achieved***. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. ***Member States should be able to provide for limits regarding the amount of work which could be copied in their national law, as long as these achieve a fair balance between the interests of users and rightsholders***. The exception or limitation should cover both uses through digital means in the classroom and online uses, ***e-learning and*** through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Or. en

Amendment 192

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover **digital** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Amendment

(16) The exception or limitation should cover **all** uses of works and other subject-matter, **digital or otherwise**, such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments **as well as libraries that provide non-formal learning activities**, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom **or learning area** and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Or. en

Amendment 193
Julia Reda

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover **digital** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, **including the** related learning activities. The use of the works or other subject-matter under the exception or limitation should **be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including** during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both **uses through digital means** in the classroom and online uses **through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures**. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of **illustration for teaching**.

Amendment

(16) The exception or limitation should cover uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the **research and education activities such as** teaching, related learning activities **and academic collaboration**. The use of the works or other subject-matter under the exception or limitation should **include uses** during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both **offline uses such as uses** in the classroom and online uses. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of **research and education**.

Or. en

Amendment 194

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Amendment

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities, **but excluding musical scores**. The use of the works or other subject-matter **or extracts** under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. **Thus, for example, the exception should be limited to the use of short extracts for written works, except in the case of plays and poems.** The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Or. en

Amendment 195

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover **digital** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Amendment

(16) The exception or limitation should cover **all** uses of works and other subject-matter, **digital or otherwise**, such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, **including organizations such as libraries and other cultural heritage institutions providing non-formal or informal education**, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Or. en

Amendment 196
Emil Radev

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Изключението или ограничението следва да обхваща цифровото използване на произведения и други обекти, като например части или откъси от произведения за подпомагане, обогатяване или допълване на преподаването, включително свързаните с него учебни дейности. Произведения или други обекти следва да се използват по силата на изключението или ограничението единствено в контекста на дейности по преподаване и учене, осъществявани под ръководството на образователни институции, включително по време на изпити, и да се ограничат само до необходимото за целите на такива дейности. Изключението или ограничението следва да обхваща използването както чрез цифрови средства в класната стая, така и онлайн чрез сигурната електронна мрежа на образователната институция, достъпът до която следва да бъде защитен, **по-специално** чрез процедури за автентификация. Изключението или ограничението следва да се разбира като обхващащо специфичните потребности от достъпност за хората с увреждания в контекста на илюстрирането при преподаване.

Amendment

(16) Изключението или ограничението следва да обхваща цифровото използване на произведения и други обекти, като например части или откъси от произведения за подпомагане, обогатяване или допълване на преподаването, включително свързаните с него учебни дейности. Произведения или други обекти следва да се използват по силата на изключението или ограничението единствено в контекста на дейности по преподаване и учене, осъществявани под ръководството на образователни институции, включително **организации като библиотеки и други институции, за културно наследство, предоставящи неофициално или самостоятелно обучение, включително** по време на изпити, и да се ограничат само до необходимото за целите на такива дейности. Изключението или ограничението следва да обхваща използването както чрез цифрови средства в класната стая, така и онлайн чрез сигурната електронна мрежа на образователната институция, достъпът до която следва да бъде защитен, **по-специално** чрез процедури за автентификация. Изключението или ограничението следва да се разбира като обхващащо специфичните потребности от достъпност за хората с увреждания в контекста на илюстрирането при преподаване.

Or. bg

Amendment 197

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means ***in the classroom*** and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Amendment

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means ***where the teaching activity is physically provided, including where it takes place outside the premises of the educational establishment*** and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Or. en

Justification

Teaching activities may be carried out outside of the premises of educational institutions. Respecting this phenomenon more educational establishments could enjoy the benefits of the exception in a reasonable way.

Amendment 198

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Amendment

(16) The exception or limitation should cover digital uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, ***or entities providing educational activities*** and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Or. en

Amendment 199

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Cette exception ou limitation devrait couvrir les utilisations numériques d'œuvres et autres objets protégés, par exemple l'utilisation de parties ou d'extraits d'œuvres en vue de soutenir, d'enrichir ou de compléter l'enseignement, ainsi que les activités d'apprentissage connexes. L'utilisation **des œuvres** ou autres objets protégés en vertu de l'exception ou de la limitation devrait avoir lieu uniquement dans le cadre des activités d'enseignement et d'apprentissage menées sous la responsabilité des établissements d'enseignement, y compris les examens, et être limitée à ce qui est nécessaire aux fins de ces activités. L'exception ou la limitation devrait porter à la fois sur les utilisations par des moyens numériques dans les salles de classe et sur les utilisations en ligne par l'intermédiaire du réseau électronique sécurisé de l'établissement d'enseignement, dont l'accès doit être protégé, notamment par des procédures d'authentification. L'exception ou la limitation devrait s'entendre comme couvrant les besoins spécifiques en matière d'accessibilité des personnes handicapées, dans le cadre de l'illustration à des fins d'enseignement.

Amendment

(16) Cette exception ou limitation devrait couvrir les utilisations numériques d'œuvres et autres objets protégés, par exemple l'utilisation de parties ou d'extraits d'œuvres en vue de soutenir, d'enrichir ou de compléter l'enseignement, ainsi que les activités d'apprentissage connexes. L'utilisation **d'extraits d'œuvres** ou autres objets protégés en vertu de l'exception ou de la limitation devrait avoir lieu uniquement dans le cadre des activités d'enseignement et d'apprentissage menées sous la responsabilité des établissements d'enseignement y compris les examens, et être limitée à ce qui est nécessaire aux fins de ces activités. L'exception ou la limitation devrait porter à la fois sur les utilisations par des moyens numériques dans les salles de classe et sur les utilisations en ligne par l'intermédiaire du réseau électronique sécurisé de l'établissement d'enseignement, dont l'accès doit être protégé, notamment par des procédures d'authentification. L'exception ou la limitation devrait s'entendre comme couvrant les besoins spécifiques en matière d'accessibilité des personnes handicapées, dans le cadre de l'illustration à des fins d'enseignement.

Or. fr

Amendment 200
Julia Reda

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

deleted

Amendment 201

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 17

Text proposed by the Commission

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

deleted

Amendment 202

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to **digital** uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper ***the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.***

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to ***all*** uses and cross-border teaching activities, ***scientific research and private study***, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper ***in any way the effective*** application of the exception or ***cross-border uses***.

Amendment 203

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. ***This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.***

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. ***As such, any other compensation mechanisms should be limited to cases where there is a risk of unreasonable prejudice to the legitimate interests of right-holders.***

Amendment 204

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes. ***In order to ensure the availability and accessibility of such licences for beneficiaries, Member States are encouraged to develop appropriate tools, such as a single portal or database.***

Justification

The suggested amendment would increase the accessibility of licences, however, at the same time , the decision would be left to Member States which tools they consider to be appropriate. The issue of developing a single portal or database should be carried out on a voluntary basis, since not every Member State has the capacity (or the funding) to develop such tools.

Amendment 205

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella, Robert Rochefort

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism **would, for example, allow giving precedence to licences for** materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism **should not apply to** materials which are primarily intended for the educational market, **for which it should be possible to arrange licences**. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

Or. en

Amendment 206

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) Différentes modalités, fondées sur la mise en œuvre de l'exception prévue par la directive 2001/29/CE ou sur des contrats de licence couvrant d'autres utilisations, ont été mises en place dans un certain nombre d'États membres afin de faciliter les utilisations pédagogiques des œuvres et autres objets protégés. Ces modalités ont généralement été définies en tenant compte des besoins des établissements d'enseignement et des différents niveaux d'éducation. ***S'il est essentiel d'harmoniser la portée de la*** nouvelle exception ou limitation ***obligatoire*** par rapport aux utilisations numériques ***et aux activités d'enseignement transfrontières***, les modalités de mise en œuvre peuvent varier d'un État membre à l'autre, pour autant qu'elles n'entravent ***ni*** l'application effective de l'exception ou de la limitation ***ni les utilisations transfrontières***. Les États membres pourraient ainsi s'appuyer sur les accords existants conclus au niveau national. En particulier, ils pourraient décider de subordonner l'application de l'exception ou de la limitation, entièrement ou partiellement, à la disponibilité des licences appropriées, couvrant au moins les mêmes utilisations que celles autorisées au titre de l'exception. Ce mécanisme permettrait, par exemple, de donner la priorité aux licences sur du matériel qui est principalement destiné au marché éducatif. Afin d'éviter qu'un tel mécanisme n'entraîne une insécurité juridique ou une charge administrative supplémentaire pour les établissements d'enseignement, les États membres adoptant cette approche devraient prendre des mesures concrètes afin d'assurer un accès aisé aux systèmes de concession de licences permettant l'utilisation numérique d'œuvres ou autres objets protégés à des fins d'illustration pour l'enseignement, et de faire en sorte que les établissements soient informés de l'existence de ces systèmes.

Amendment

(17) Différentes modalités, fondées sur la mise en œuvre de l'exception prévue par la directive 2001/29/CE ou sur des contrats de licence couvrant d'autres utilisations, ont été mises en place dans un certain nombre d'États membres afin de faciliter les utilisations pédagogiques des œuvres et autres objets protégés. Ces modalités ont généralement été définies en tenant compte des besoins des établissements d'enseignement et des différents niveaux d'éducation. ***Si cette*** nouvelle exception ou limitation ***facultative*** par rapport aux utilisations numériques ***dans un contexte pédagogique peut s'appliquer dans tous les Etats membres***, les modalités de mise en œuvre peuvent varier d'un État membre à l'autre, pour autant qu'elles n'entravent ***pas*** l'application effective de l'exception ou de la limitation. Les États membres pourraient ainsi s'appuyer sur les accords existants conclus au niveau national. En particulier, ils pourraient décider de subordonner l'application de l'exception ou de la limitation, entièrement ou partiellement, à la disponibilité des licences appropriées, couvrant au moins les mêmes utilisations que celles autorisées au titre de l'exception. Ce mécanisme permettrait, par exemple, de donner la priorité aux licences sur du matériel qui est principalement destiné au marché éducatif. Afin d'éviter qu'un tel mécanisme n'entraîne une insécurité juridique ou une charge administrative supplémentaire pour les établissements d'enseignement, les États membres adoptant cette approche devraient prendre des mesures concrètes afin d'assurer un accès aisé aux systèmes de concession de licences permettant l'utilisation numérique ***d'extraits*** d'œuvres ou autres objets protégés à des fins d'illustration pour l'enseignement, et de faire en sorte que les établissements soient informés de l'existence de ces systèmes.

Amendment 207
Constance Le Grip

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism **would, for example, allow giving precedence to** licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism **should not hamper the use of** licences for materials which are primarily intended for the educational market **and sheet music**. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

Amendment 208

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) In order to guarantee legal certainty when a Member State decides to subject the application of the exception to the availability of adequate licences, it is necessary to specify under which conditions an educational establishment may use protected works or other subject-matter under that exception and, conversely, when it should act under a licensing scheme.

Or. en

Justification

The proposed amendment is needed in order to provide legal certainty in cases when a Member State decides to subject the application of the exception to the availability of adequate licences.

Amendment 209
Julia Reda

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) An act of preservation may require a reproduction of a work or other subject-matter in the collection of a cultural heritage institution and consequently the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of ***their collections*** for future generations. Digital technologies offer new ways to preserve the heritage contained in ***those*** collections but they also create new challenges. In view of these new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction ***in order to allow those acts of preservation.***

Amendment

(18) An act of preservation may require a reproduction of a work or other subject-matter in the collection of a cultural heritage institution and consequently the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of ***cultural heritage*** for future generations. Digital technologies offer new ways to preserve the heritage contained in ***the collections of cultural heritage institutions***, but they also create new challenges. ***One such challenge is the systematic collection and preservation of works which are not originally published by traditional analogue means, but originate in a digital form (so-called born-digital works). Whereas publishers in Member States are typically obliged to provide a reference copy of each published work to certain cultural heritage institutions for archiving purposes, such obligations often do not apply to born-digital works. In the absence of the provision of reference copies by the authors or publishers of born-digital works, cultural heritage institutions should be allowed to make reproductions of born-digital works at their own initiative whenever they are openly available on the Internet, in order to add them to their permanent collections. Cultural heritage institutions also engage in making internal reproductions for many varying purposes including insurance, rights clearance, and loans.*** In view of these new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction.

Amendment 210
Emil Radev

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Действията по опазването може да изискват възпроизвеждане на произведение или друг обект в сбирката на институция в областта на културното наследство и следователно разрешение от съответните носители на права. Институциите в областта на културното наследство са ангажирани с опазването на техните сбирки за бъдещите поколения. Цифровите технологии предлагат нови начини за опазване на наследството в тези сбирки, но пораждат и нови предизвикателства. С оглед на тези нови предизвикателства е необходимо да се адаптира действащата правна рамка, като се предвиди задължително изключение за правото на възпроизвеждане, **което ще позволи тези действия по опазването.**

Amendment

(18) Действията по опазването може да изискват възпроизвеждане на произведение или друг обект в сбирката на институция в областта на културното наследство и следователно разрешение от съответните носители на права. Институциите в областта на културното наследство, **изследователските организации и учебните заведения** са ангажирани с опазването на техните сбирки за бъдещите поколения. Цифровите технологии предлагат нови начини за опазване на наследството в тези сбирки, но пораждат и нови предизвикателства. **Институциите в областта на културно наследство, изследователските организации и учебните заведения също са ангажирани с извършването на вътрешно-организационно възпроизвеждане на произведения за различни цели, включително застраховка, уреждане на правата и заеми.** С оглед на тези нови предизвикателства е необходимо да се адаптира действащата правна рамка, като се предвиди задължително изключение за правото на възпроизвеждане.

Or. bg

Amendment 211

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) Un acte de préservation peut nécessiter la reproduction d'une œuvre ou d'un autre objet protégé se trouvant dans la collection d'une institution de gestion du patrimoine culturel et dès lors nécessiter l'autorisation des titulaires de droits concernés. Les institutions de gestion du patrimoine culturel œuvrent à la préservation de leurs collections pour les générations futures. Les technologies numériques offrent de nouvelles possibilités de préserver le patrimoine contenu dans ces collections, mais elles font naître également de nouveaux défis. ***Face à ces derniers, il est nécessaire d'adapter le cadre juridique actuel en prévoyant une exception obligatoire au droit de reproduction pour permettre ces actes de préservation.***

Amendment

(18) Un acte de préservation peut nécessiter la reproduction d'une œuvre ou d'un autre objet protégé se trouvant dans la collection d'une institution de gestion du patrimoine culturel ***ou de bibliothèques qui font parfois œuvre de préservation du patrimoine régional et/ou national,*** et dès lors nécessiter l'autorisation des titulaires de droits concernés. Les institutions de gestion du patrimoine culturel œuvrent à la préservation de leurs collections pour les générations futures. Les technologies numériques offrent de nouvelles possibilités de préserver le patrimoine contenu dans ces collections, mais elles font naître également de nouveaux défis. ***Une exception facultative peut permettre aux Etats membres d'agir de manière proportionnée et en cohérence avec les traditions juridiques nationales, dans un objectif de préservation du patrimoine culturel.***

Or. fr

Amendment 212

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) An act of preservation may require a reproduction of a work or other subject-matter in the collection of a cultural heritage institution and consequently the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of their collections for future generations. Digital technologies offer new ways to preserve the heritage contained in those collections but they also create new challenges. In view of these new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction in order to allow those acts of preservation.

Amendment

(18) An act of preservation may require a reproduction of a work or other subject-matter in the collection of a cultural heritage institution and consequently the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of their collections for future generations. Digital technologies offer new ways to preserve the heritage contained in those collections but they also create new challenges. In view of these new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction in order to allow those acts of preservation ***as well as reproductions for other purposes such as insurance and rights clearance and including long-term and cross border loans.***

Or. en

Amendment 213

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) Un acte de préservation peut nécessiter la reproduction d'une œuvre ou d'un autre objet protégé se trouvant dans la collection d'une institution de gestion du patrimoine culturel et dès lors nécessiter l'autorisation des titulaires de droits concernés. Les institutions de gestion du patrimoine culturel œuvrent à la préservation de leurs collections pour les générations futures. Les technologies numériques offrent de nouvelles possibilités de préserver le patrimoine contenu dans ces collections, mais elles font naître également de nouveaux défis. Face à ces derniers, il est nécessaire d'adapter le cadre juridique actuel en prévoyant une exception obligatoire au droit de reproduction pour permettre ces actes de préservation.

Amendment

(18) Un acte de préservation peut nécessiter la reproduction d'une œuvre ou d'un autre objet protégé se trouvant dans la collection d'une institution de gestion du patrimoine culturel et dès lors nécessiter l'autorisation des titulaires de droits concernés. Les institutions de gestion du patrimoine culturel œuvrent à la préservation de leurs collections pour les générations futures. Les technologies numériques offrent de nouvelles possibilités de préserver le patrimoine contenu dans ces collections, mais elles font naître également de nouveaux défis. Face à ces derniers, il est nécessaire d'adapter le cadre juridique actuel en prévoyant une exception obligatoire au droit de reproduction pour permettre ces actes de préservation ***pour ces institutions de gestion du patrimoine culturel.***

Or. fr

Amendment 214
Antanas Guoga, Eva Maydell

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) An act of preservation may require a reproduction of a work or other subject-matter in the collection of a cultural heritage institution and consequently the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of their collections for future generations. Digital technologies offer new ways to preserve the heritage contained in those collections but they also create new challenges. In view of ***these*** new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction in order to allow those acts of preservation.

Amendment

(18) An act of preservation may require a reproduction of a work or other subject-matter in the collection of a cultural heritage institution and consequently the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of their collections for future generations. Digital technologies offer new ways to preserve the heritage contained in those collections but they ***could*** also create new challenges. In view of ***possible*** new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction in order to allow those acts of preservation.

Or. en

Amendment 215

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Different approaches in the Member States for acts of preservation by cultural heritage institutions hamper cross-border cooperation and the sharing of means of preservation *by cultural heritage institutions* in the internal market, leading to an inefficient use of resources.

Amendment

(19) Different approaches in the Member States for acts of preservation, ***including reproduction*** by cultural heritage institutions, ***research organizations and educational establishments***, hamper cross-border cooperation and the sharing of means of preservation in the internal market, leading to an inefficient use of resources. ***The collections of cultural heritage institutions, research organizations and educational establishments, if not unique, are likely to be replicated and sit in other institutions, including those in other Member States. Cultural heritage institutions, research organizations, and educational establishments could also want to create cross border preservation networks, to use resources effectively.***

Or. en

Amendment 216

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Les différentes approches adoptées dans les États membres pour les actes de préservation relevant des institutions de gestion du patrimoine culturel entravent la coopération transfrontière et le partage des moyens de préservation par ces institutions dans le marché intérieur, entraînant une utilisation inefficace des ressources.

Amendment

(19) L'article 1 h) de la convention de l'UNESCO sur la protection et la promotion de la diversité des expressions culturelles, à laquelle plusieurs États membres mais également l'Union sont parties, réaffirme " le droit souverain des États de conserver, d'adopter et de mettre en œuvre les politiques et mesures qu'ils jugent appropriées pour la protection et la promotion de la diversité des expressions culturelles sur leur territoire". De ce fait, pour des exigences d'ordre légal, il est impératif que la présente directive n'entre pas en contradiction avec les obligations du droit international en matière de protection et de préservation du patrimoine culturel.

Or. fr

Amendment 217
Julia Reda

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) Different approaches in the Member States for acts of **preservation** by cultural heritage institutions hamper cross-border cooperation **and the sharing of means of preservation by cultural heritage institutions in the internal market, leading to an inefficient use of resources.**

Amendment

(19) Different approaches in the Member States for acts of **reproduction** by cultural heritage institutions **and educational establishments** hamper cross-border cooperation. **The collections of cultural heritage institutions, if not unique, are likely to be replicated and sit in other institutions, including those in other Member States. It is possible that** cultural heritage institutions **would also wish to create preservation networks cross borders, to use resources efficiently.**

Or. en

Amendment 218

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Different approaches in the Member States for acts of preservation by cultural heritage institutions hamper cross-border cooperation and the sharing of means of preservation by cultural heritage institutions in the internal market, leading to an inefficient use of resources.

Amendment

(19) Different approaches in the Member States for acts of preservation by cultural heritage institutions hamper cross-border cooperation and the sharing of means of preservation by cultural heritage institutions in the internal market, leading to an inefficient use of resources ***and risking to negatively affect the preservation of cultural heritage.***

Or. en

Amendment 219

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Amendment

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions, **research organizations and educational establishments** to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports **or for the purpose of digitalization, research or education**. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only. ***Such an exception should cover in particular both cultural heritage institutions, including archeological or other museum institutions of universities and colleges holding the works or other subject-matter, and third party cultural heritage institutions or service providers, which could be requested to perform the act of reproduction on behalf of a cultural heritage institution, research organization or educational establishment, within the scope of the exception.***

Or. en

Amendment 220
Julia Reda

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation ***purposes***, for example to address technological obsolescence or the degradation of original supports. ***Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.***

Amendment

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions ***and educational establishments*** to reproduce works and other subject-matter permanently in their collections for ***the purpose of carrying out their public interest mission in*** preservation, ***research, education, culture and teaching***, for example to address technological obsolescence or the degradation of original supports, ***to build collections of born-digital works or for the purpose of digitisation.*** ***Such an exception should allow for the making of copies in any format or medium*** at any point in the life of a work or other subject-matter ***and*** to the extent required ***for such reproduction, including via partnerships with other institutions or third parties, which could be requested to perform the act of reproduction on behalf of a cultural heritage institution within the scope of the exception.***

Or. en

Amendment 221

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Amendment

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only. ***Such an exception should cover both cultural heritage institutions holding the works or other subject-matter and third party cultural heritage institutions or service providers, which could be requested to perform the act of reproduction on behalf of a cultural heritage institution within the scope of the exception.***

Or. en

Justification

It is both necessary and practical that other third parties requested by cultural institutions may also act based on this exception on behalf of these institutions.

Amendment 222
Emil Radev

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Поради тази причина от държавите членки следва да се изисква да предвидят заключение, което да позволи на институциите в областта на културното наследство да възпроизвеждат произведения и други обекти за постоянно включване в техните сбирки с оглед на опазването им, например за да се решат въпросите на технологичното остаряване или влошаването на състоянието на първоначалните опори. Подобно изключение следва да даде възможност да се правят копия чрез подходящо средство, инструмент или технология за опазване, в достатъчен брой и на всеки етап от жизнения цикъл на произведението или другия обект, доколкото това е необходимо, **за да се създаде копие единствено за целите на опазването.**

Amendment

(20) Поради тази причина от държавите членки следва да се изисква да предвидят заключение, което да позволи на институциите в областта на културното наследство, **изследователските организации и учебните заведения** да възпроизвеждат произведения и други обекти за постоянно включване в техните сбирки с оглед на опазването им **за целите на изпълнението на тяхната мисия в обществен интерес в областта на опазването, научните изследвания, образованието, културата и преподаването**, например за да се решат въпросите на технологичното остаряване или влошаването на състоянието на първоначалните опори **или за целите на цифровизацията**. Подобно изключение следва да даде възможност да се правят копия **във всякакъв формат или носител** чрез подходящо средство, инструмент или технология за опазване, в достатъчен брой и на всеки етап от жизнения цикъл на произведението или другия обект, доколкото това е необходимо **за такова възпроизвеждане на произведения, включително и чрез партньорство с други институции или трети страни.**

Or. bg

Amendment 223

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Gli Stati membri, pertanto, dovrebbero essere tenuti a prevedere un'eccezione che autorizzi gli istituti di tutela del patrimonio culturale a riprodurre a fini conservativi le opere e altro materiale presenti in modo permanente nelle loro raccolte per far fronte, ad esempio, all'obsolescenza tecnologica o al degrado dei supporti originari. Tale eccezione dovrebbe consentire la realizzazione di copie con lo strumento, il mezzo o la tecnologia conservativa adeguata, nel numero richiesto e in qualsiasi momento della vita di un'opera o altro materiale e nella misura necessaria a produrne una copia ***esclusivamente*** a fini di conservazione.

Amendment

(20) Gli Stati membri, pertanto, dovrebbero essere tenuti a prevedere un'eccezione che autorizzi gli istituti di tutela del patrimonio culturale a riprodurre a fini conservativi le opere e altro materiale presenti in modo permanente nelle loro raccolte, ***così come le tradizioni e le eredità culturali immateriali***, per far fronte, ad esempio, all'obsolescenza tecnologica o al degrado dei supporti originari ***o alla perdita dei patrimoni orali o immateriali***. Tale eccezione dovrebbe consentire la realizzazione di copie con lo strumento, il mezzo o la tecnologia conservativa adeguata, nel numero richiesto e in qualsiasi momento della vita di un'opera o altro materiale e nella misura necessaria a produrne una copia a fini di conservazione, ***consultazione, catalogazione ed archivio***.

Or. it

Amendment 224
Antanas Guoga, Eva Maydell

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Amendment

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions **and educational establishments** to reproduce works and other subject-matter, **digitally or otherwise**, permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies **in any format** by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Or. en

Amendment 225

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Les États membres devraient donc ***être tenus*** de prévoir une exception permettant aux institutions de gestion du patrimoine culturel de reproduire des œuvres et autres objets protégés de manière permanente dans leurs collections à des fins de préservation, par exemple pour remédier à l'obsolescence technologique ou à la dégradation des supports originaux. Une telle exception devrait permettre la confection de copies en utilisant l'outil, le moyen ou la technologie de préservation qui convient, et ce en nombre suffisant et à n'importe quel stade de la vie d'une œuvre ou d'un autre objet protégé, dans la mesure requise pour produire une copie exclusivement à des fins de préservation.

Amendment

(20) Les États membres devraient donc ***avoir la possibilité*** de prévoir une exception permettant aux institutions de gestion du patrimoine culturel ***et aux bibliothèques*** de reproduire des œuvres et autres objets protégés de manière permanente dans leurs collections à des fins de préservation, par exemple pour remédier à l'obsolescence technologique ou à la dégradation des supports originaux. Une telle exception devrait permettre la confection de copies en utilisant l'outil, le moyen ou la technologie de préservation qui convient, et ce en nombre suffisant et à n'importe quel stade de la vie d'une œuvre ou d'un autre objet protégé, dans la mesure requise pour produire une copie exclusivement à des fins de préservation.

Or. fr

Amendment 226

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence **or** the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Amendment

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence, the degradation of original supports **and digitisation**. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Or. en

Amendment 227

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Aux fins de la présente directive, les œuvres et autres objets protégés devraient être considérés comme se trouvant à titre permanent dans la collection d'une institution de gestion du patrimoine culturel lorsque les copies sont détenues à titre permanent par cette institution ou lui appartiennent, par exemple à la suite d'un transfert de propriété ou d'un contrat de licence.

Amendment

(21) Aux fins de la présente directive, les œuvres et autres objets protégés devraient être considérés comme se trouvant à titre permanent dans la collection d'une institution de gestion du patrimoine culturel lorsque les copies ***de ces œuvres ou autres objets protégés*** sont détenues à titre permanent par cette institution ou lui appartiennent, par exemple à la suite d'un transfert de propriété ***de l'œuvre ou autre objet protégé*** ou d'un contrat de licence, ***et ceci pour permettre le stockage du fichier sur le serveur de l'Institution.***

Or. fr

Amendment 228

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned **or** permanently held by the cultural heritage institution, for example as a result of a transfer of ownership or licence agreements.

Amendment

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned, ***held on long term loan or are*** permanently held by the cultural heritage institution, ***research organization, or educational establishment***, for example as a result of a transfer of ownership or licence agreements.

Or. en

Amendment 229

Emil Radev

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) По смисъла на настоящата директива произведенията и другите обекти следва да се смятат за постоянно включени в сбирката на институция в областта на културното наследство, когато са собственост или постоянно във владение на институцията в областта на културното наследство, например в резултат на прехвърляне на собствеността **или** лицензионни споразумения.

Amendment

(21) По смисъла на настоящата директива произведенията и другите обекти следва да се смятат за постоянно включени в сбирката на институция в областта на културното наследство, когато са собственост или постоянно във владение на институцията в областта на културното наследство, **изследователската организация или учебното заведение**, например в резултат на прехвърляне на собствеността, лицензионни споразумения **или задължително депозиране**.

Or. bg

Amendment 230
Julia Reda

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned **or** permanently held by the cultural heritage institution, for example as a result of a transfer of ownership or licence agreements.

Amendment

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned, ***held on long-term loan or are*** permanently held by the cultural heritage institution, ***or educational establishment***, for example as a result of a transfer of ownership or licence agreements.

Or. en

Amendment 231

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Aux fins de la présente directive, les œuvres et autres objets protégés devraient être considérés comme se trouvant à titre permanent dans la collection d'une institution de gestion du patrimoine culturel lorsque les copies sont détenues à titre permanent par cette institution ou lui appartiennent, par exemple à la suite d'un transfert de propriété ou d'un contrat de licence.

Amendment

(21) Aux fins de la présente directive, les œuvres et autres objets protégés devraient être considérés comme se trouvant à titre permanent dans la collection d'une institution de gestion du patrimoine culturel ***ou d'une bibliothèque*** lorsque les copies sont détenues à titre permanent par cette institution ou lui appartiennent, par exemple à la suite d'un transfert de propriété ou d'un contrat de licence.

Or. fr

Amendment 232
Julia Reda

Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 a) Cultural heritage institutions, and educational establishments have long been involved in making reproductions for individual researchers in their collections, upon their request and on an ad hoc basis. This serves to support and enrich an individual's scientific research, as a researcher who cannot travel to where a work or related subject matter is held is able to request that a reproduction be made for them in compliance with current Union rules on exceptions and limitations. Research, education and learning is increasingly taking place in a cross border environment. There is however a lack of clarity as to whether the existing exceptions or limitations in Member States provide for a cross-border effect. This situation hampers scientific research and the development of the European Research Area. This legal uncertainty should be addressed, and researchers provided with a clear framework that allows them to request a cultural heritage institution, or educational establishment to make and supply them with a reproduction of a work or other subject matter for the purposes of their research, including in a cross border context.

Or. en

Amendment 233
Therese Comodini Cachia

Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 a) Given the existence of divergences between collective management practices across Member States and creative and cultural sectors, a solution needs to be provided for where licencing mechanisms are not effective solutions because of, for example a lack of collective licensing or the fact that no collective management organisation has been able to achieve recognition in a Member State or for a sector. In such instances, where licensing mechanisms are lacking, it is necessary to provide for an exception that allows cultural heritage institutions to make out of commerce works held in their collection available online on their own secure technology networks. Yet in doing so, it is also necessary to provide authors with the possibility to provide licenses or to form a collective management organisation as well as to involve them in the determination of whether such licences are available or not. In addition, rightholders should be able to object to the inclusion of their work on the secure technology networks of the cultural heritage institutions.

Or. en

Amendment 234

Jean-Marie Cavada, Robert Rochefort, Frédérique Ries, António Marinho e Pinto

Proposal for a directive

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 bis) Lorsque du contenu chargé ou mis à disposition par un utilisateur comprend une utilisation courte et proportionnée, à des fins légitimes, d'une citation ou d'un extrait d'une oeuvre ou autre objet protégé, cette utilisation devrait être protégée par l'exception prévue dans la présente directive. Cette exception ne devrait être applicable que dans certains cas spéciaux qui ne portent pas atteinte à une exploitation normale de l'oeuvre ou autre objet protégé concerné ni ne cause un préjudice injustifié aux intérêts légitimes du titulaire des droits. L'évaluation de ce préjudice devait se fonder sur le degré d'originalité du contenu concerné, sur la longueur ou la taille de la citation ou de l'extrait utilisé, sur le caractère professionnel du contenu concerné ou sur le degré de dommage économique causé, le cas échéant, sans pour autant empêcher le recours légitime à l'exception. Cette exception devrait être sans préjudice des droits moraux des auteurs de l'oeuvre ou autre objet protégé.

Or. fr

Amendment 235

Jean-Marie Cavada, Robert Rochefort

Proposal for a directive

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 bis) À la suite de développements technologiques, des services de la société de l'information ont émergé permettant à leurs utilisateurs de charger ou de mettre à disposition des contenus sous diverses formes et à des fins diverses telles que l'illustration d'une idée, la critique, la parodie ou encore le pastiche. Ces contenus peuvent inclure de courts extraits d'oeuvres ou d'autres objets protégés préexistants que ces utilisateurs sont susceptibles d'avoir modifiés, combinés ou transformés.

Or. fr

Amendment 236
Julia Reda

Proposal for a directive
Recital 21 b (new)

Text proposed by the Commission

Amendment

(21 b) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC, are in place in a number of Member States in order to facilitate cultural heritage institutions, and educational establishments to give on site access to works and other subject-matter on the premises. Such arrangements exist as educational establishments and cultural heritage institutions are involved in preserving and giving access to their digital collections on the premises. Digital technologies provide new ways of giving access to those collections on the premises, for example the use of WIFI networks to give users access to collections on their own portable devices, such as mobile phones and laptops. The requirement to use dedicated terminals for giving access to content on the premises has proven impractical and outdated. At the same time, the maturity of digital preservation requires cultural heritage institutions to preserve and give access not just to digitised analogue works and other subject matter, but also to born-digital materials. Member States should therefore be required to provide for an exception to permit cultural heritage institutions, and educational establishments to give access to all digitised and born-digital collections on the premises or online. Such an exception should allow copies to be delivered on any technology to members of the public.

Or. en

Amendment 237

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 21 b (new)

Text proposed by the Commission

Amendment

(21 b) It should be acknowledged the importance of certain exceptions and limitations already provided for in Directive 2001/29/EC, and the need to ensure legal certainty and harmonisation within the internal market. To this end such exceptions and limitations should be made mandatory. It should also be recognised that new technologies are enhancing and changing the ways in which the uses of copyrighted works or other subject matter can take place and be enjoyed, which often are not detrimental to rightholders. Therefore a general de minimis exception should be introduced in order to take into account technological developments.

Or. en

Amendment 238

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 21 b (new)

Text proposed by the Commission

Amendment

(21 ter) Malgré certains chevauchements avec les exceptions ou limitations existantes, le contenu chargé ou mis à disposition par un utilisateur qui comprend raisonnablement des extraits d'oeuvres ou d'autres objets protégés, n'est pas couvert par l'article 5 de la directive 2001/29/CE. Une telle situation crée une insécurité juridique à la fois pour les utilisateurs et les ayants-droit. Il convient donc de prévoir une nouvelle exception spécifique pour permettre les utilisations légitimes d'extraits d'oeuvres ou d'autres objets protégés préexistants dans les contenus chargés ou mis à disposition par les utilisateurs.

Or. fr

Amendment 239

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 21 b (new)

Text proposed by the Commission

Amendment

(21 ter) Les prestataires des services de la société de l'information ne peuvent pas invoquer à leur profit l'exception prévue dans cette Directive, pour l'usage de citations ou d'extraits d'oeuvres protégées ou autres objets protégés dans le contenu chargé ou mis à disposition par les utilisateurs, afin de s'exonérer de leur responsabilité ou de réduire l'étendue de leurs obligations en vertu des dispositions de l'article 13 de cette directive

Or. fr

Amendment 240
Julia Reda

Proposal for a directive
Recital 21 c (new)

Text proposed by the Commission

Amendment

(21 c) In its ruling in Case C-174/15, Vereniging Openbare Bibliotheken v Stichting Leenrecht ^{1a}, the Court of Justice recognised that the lending of e-books can fall under the same rules as the lending of physical books. When Member States apply the limitation to copyright in Article 6 of Directive 2006/115/EC of the European Parliament and of the Council ^{1b}, libraries are able to buy any physical book on the market. Once purchased, they can lend it without restrictions linked to contract terms or other measures of protection which prevent the exercise of exceptions and limitations to copyright. That provision should also apply to e-books. Moreover, with the objective of ensuring that all citizens of the Union have access to a full selection of books and other resources, all Member States should ensure that the limitation to the exclusive public lending right in Article 6 of Directive 2006/115/EC is made mandatory.

^{1a} *Judgement of the Court of Justice of 10 November 2016, Vereniging Openbare Bibliotheken v Stichting Leenrecht, ECLI:EU:C:2016:856.*

^{1b} *Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 376, 27.12.2006, p. 28).*

Or. en

Amendment 241

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 a) In view of allowing citizens and consumers to fully benefit from the opportunities offered by new technologies, public lending of literary works, including e-lending, should be permitted within the internal market.

The concept of lending, within the meaning of Articles 1(1), 2(1)(b) and 6(1) of Directive 2006/115/EC, covers the lending not only of physical books, but also of a digital copy thereof. When Member States apply the derogation set out in Article 6 of Directive 2006/115/EC, libraries should be able to buy any physical book on the market. Once purchased, they can lend it without restrictions linked to contract terms or other measures of protection which prevent the exercise of exceptions and limitations to copyright. These provisions should also apply to e-books. In order to achieve legal certainty and harmonisation within the internal market, Member States should ensure that the exception to the exclusive public lending right set out in article 6 of Directive 2006/115/EC should be mandatory.

Or. en

Amendment 242

Julia Reda, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 21 d (new)

Text proposed by the Commission

Amendment

(21 d) The reconciliation of the public's interest to participate in the public sphere by means of an exception regarding the use of depictions of buildings and permanent structures is necessary. Professional photographers and other authors, rightholders, consumers, institutional users and service providers are predominantly using depictions of works on the basis of a national 'freedom of panorama' exceptions and rely on legal certainty for cross-border usage.

Or. en

Amendment 243

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 21 e (new)

Text proposed by the Commission

Amendment

(21 e) Following technological developments and evolving user behaviour, a significant phenomenon of cultural creation has emerged, which relies on users uploading or displaying content, in various forms, to online services. Such user-generated content may comprise extracts or quotations of protected works or other subject-matter, which may be altered, combined or transformed for different purposes by users. Such uses of extracts or quotations within user-generated content, for various purposes such as the illustration of an idea, review or entertainment, are now widespread online and, provided that the use of such extracts or quotations of protected works or other subject-matter is proportionate, do not cause significant economic harm to the rightholders concerned and may even advertise the work used within the user-generated content.

Or. en

Amendment 244

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 21 f (new)

Text proposed by the Commission

Amendment

(21 f) Despite some overlap with existing voluntary exceptions or limitations, such as the ones for quotation and parody, the use of protected works or other subject-matter within user-generated content is nonetheless not properly covered by the existing list of exceptions or limitations, creating legal uncertainty for users. Particularly the voluntary nature of existing exceptions and limitations is significantly curtailing the development of user-generated content, which is typically disseminated in a borderless online environment. It is therefore necessary to provide a new mandatory specific exception to authorise the legitimate uses of extracts or quotations of protected works or other subject-matter within user-generated content.

Or. en

Amendment 245
Julia Reda

Proposal for a directive
Recital 21 g (new)

Text proposed by the Commission

Amendment

(21 g) Numerous Member States exempt certain works or other subject matter, such as official works, from copyright protection in line with Article 4 (2) of the Berne Convention. Such rules create scenarios in which content is in the public domain in a Member State, which usually results in that content not being released under permissible licenses. If other Member States lack corresponding provisions, the legal cross-border reuse of such content is prohibited. Mutual recognition of the public domain status of works resolves any inconsistencies in the cross-border use of works exempted from copyright protection.

Or. en

Amendment 246
Julia Reda

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use. It is therefore necessary to provide for ***measures*** to facilitate the ***licensing of rights in*** out-of-commerce works that are in the collections of cultural heritage institutions ***and thereby to allow the conclusion of agreements with cross-border effect in the internal market.***

Amendment

(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, ***the fact that copyright terms by far exceed the average commercial availability of works,*** their limited commercial value or the fact that they were never intended for commercial use. It is therefore necessary to provide for ***a mandatory exception with cross-border effect*** to facilitate the ***re-use of*** out-of-commerce works that are in the collections of cultural heritage institutions. ***In order to take account of the difference between the timespan of commercial availability of the vast majority of works and their much longer copyright protection terms, works or other subject matter that were first published at least 10 years ago should be deemed to be out of commerce.***

Or. en

Amendment 247

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use. It is therefore necessary to provide for measures to facilitate the ***licensing of rights in*** out-of-commerce works that are in the collections of cultural heritage institutions and thereby to allow the conclusion of agreements with cross-border effect in the internal market.

Amendment

(22) Cultural heritage institutions, ***educational establishments or other non-commercial documentation centers*** should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use. It is therefore necessary to provide for measures to facilitate the ***availability of*** out-of-commerce works that are in the collections of cultural heritage institutions, ***educational establishments or other non-commercial documentation centers*** and thereby to allow the conclusion of agreements with cross-border effect in the internal market.

Or. en

Amendment 248

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) Les institutions de gestion du patrimoine culturel devraient bénéficier d'un cadre clair pour la numérisation et la diffusion, **y compris dans un contexte transfrontière**, d'œuvres ou autres objets protégés indisponibles dans le commerce. Toutefois, les caractéristiques particulières des collections d'œuvres indisponibles font que l'obtention d'un accord préalable des titulaires de droits peut s'avérer très difficile. Cela peut parfois tenir, par exemple, à l'ancienneté des œuvres ou autres objets protégés, à leur valeur commerciale limitée ou au fait qu'ils n'ont jamais été destinés à une utilisation commerciale. Aussi est-il nécessaire de prévoir des mesures pour faciliter la concession sous licence de droits sur les œuvres indisponibles qui se trouvent dans les collections des institutions de gestion du patrimoine culturel **et permettre ainsi la conclusion de contrats ayant un effet transfrontière au sein du marché intérieur.**

Amendment

(22) Les institutions de gestion du patrimoine culturel **ou les bibliothèques** devraient bénéficier d'un cadre clair pour la numérisation et la diffusion, d'œuvres ou autres objets protégés indisponibles dans le commerce. Toutefois, les caractéristiques particulières des collections d'œuvres indisponibles font que l'obtention d'un accord préalable des titulaires de droits peut s'avérer très difficile. Cela peut parfois tenir, par exemple, à l'ancienneté des œuvres ou autres objets protégés, à leur valeur commerciale limitée ou au fait qu'ils n'ont jamais été destinés à une utilisation commerciale. Aussi est-il nécessaire de prévoir des mesures pour faciliter la concession sous licence de droits sur les œuvres indisponibles qui se trouvent dans les collections des institutions de gestion du patrimoine culturel **ou des bibliothèques.**

Or. fr

Amendment 249

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use. It is therefore necessary to provide for measures to facilitate ***the licensing of rights in*** out-of-commerce works that are in the collections of cultural heritage institutions and thereby to allow the conclusion of agreements with cross-border effect in the internal market.

Amendment

(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use. It is therefore necessary to provide for measures to facilitate ***online availability*** out-of-commerce works that are in the collections of cultural heritage institutions and thereby to allow the conclusion of agreements with cross-border effect in the internal market.

Or. en

Amendment 250
Julia Reda

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) Several Member States have already adopted extended collective licencing regimes, legal mandates or legal presumptions facilitating the licencing of out-of-commerce works. However considering the variety of works and other subject-matter in the collections of cultural heritage institutions and the variance between collective management practices across Member States and sectors of cultural production it is necessary to provide a more efficient mechanism that can reduce complexities and also apply in sectors or for types of works where the licensing mechanisms do not provide a solution, for example, because there is no practice of collective licensing or because collective management organisations are unable to achieve sufficient representation. It is therefore necessary to provide for a mandatory exception that allows cultural heritage institutions to make out of commerce works held in their collection available online. Whereas it is essential to harmonise the scope of the new mandatory exception in order to allow cross-border uses of out of commerce works, Member States should be allowed to build on the existing extended collective licencing arrangements for certain categories of works concluded at national level. Any uses under this exception should be subject to the same opt out and publicity requirements as uses authorised by a licensing mechanism.

Or. en

Amendment 251
Julia Reda

Proposal for a directive
Recital 22 b (new)

Text proposed by the Commission

Amendment

(22 b) Taking into account the specificities of national collective management organisations, the needs and requirements of cultural heritage institutions, and different types of works, Member States should be able to diverge from the mandatory exception provided for in this Directive and rely on extended collective licensing, legal mandates or legal presumptions, provided that they cover at least the same uses as those allowed under the exception, including cross-border uses. Any works not covered by such arrangements should be subject to the exception.

Or. en

Amendment 252

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) Member States *should, within the framework provided for in this Directive, have flexibility in choosing the specific type of mechanism allowing for licences for out-of-commerce works to extend to the rights of rightholders that are not represented by the collective management organisation*, in accordance to their legal traditions, practices or circumstances. Such mechanisms can include extended collective licensing and presumptions of representation.

Amendment

(23) *This directive is without prejudice to specific solutions developed by Member States in order to deal with the issues raised by mass digitisation, such as systems for out-of-commerce works. Such solutions take into account the specific characteristic of the various types of work or other subject-matter and of the various users; they are devised on the basis of consensus between the stakeholders. This approach has already been adopted in the Memorandum of Understanding on Key Principles on the Digitisation and Making Available of Out-of-Commerce Works, signed on 20 September 2011 by representatives of European libraries, authors, publishers and collective management organisations under the aegis of the Commission. This directive should be without prejudice to that Memorandum of Understanding, which calls on Member States and the Commission to ensure that voluntary agreements concluded between users, rightholders and collective management organisations to authorise the use of out-of-commerce works on the basis of the principles contained in the Memorandum have the benefit of legal certainty in the national and cross-border context. Member States should have a certain margin of discretion to choose the specific type of arrangement* in accordance to their legal traditions, practices or circumstances. Such mechanisms can include extended collective licensing and presumptions of representation.

Or. en

Amendment 253

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) Member States should, within the framework provided for in this Directive, have flexibility in choosing the specific type of mechanism allowing ***for licences for out-of-commerce works to extend to the rights of rightholders that are not represented by the collective management organisation***, in accordance to their legal traditions, practices or circumstances. Such mechanisms ***can*** include extended collective licensing and presumptions of representation.

Amendment

(23) Member States should, within the framework provided for in this Directive, have flexibility in choosing the specific type of mechanism allowing ***cultural heritage institutions, research organizations or educational establishments to disseminate their out of commerce collections***, in accordance to their legal traditions, practices or circumstances. Such mechanisms ***should allow rightholders to exclude their works and could*** include extended collective licensing and presumptions of representation, ***and limitations and exceptions where:***

a) no collective management organizations exist

b) a collective management organization is unable to achieve sufficient representativity, or

c) a collective management organization is unable to offer adequate licenses to cultural heritage institutions for the types of works and other subject matter held in their collections.

Or. en

Amendment 254

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) Member States should, within the framework provided for in this Directive, have flexibility in choosing the specific type of mechanism allowing ***for licences for out-of-commerce works to extend to the rights of rightholders that are not represented by the collective management organisation***, in accordance to their legal traditions, practices or circumstances. Such mechanisms can include extended collective licensing and presumptions of representation.

Amendment

(23) Member States should, within the framework provided for in this Directive, have flexibility in choosing the specific type of ***legal institutions, educational establishments or other non-commercial documentation centers to digitise, distribute, communicate to the public or make available the out-of-commerce works permanently in their collection***, in accordance to their legal traditions, practices or circumstances. Such mechanisms ***should allow rightholders to exclude their works, on the basis of reasonable evidence, and*** can include extended collective licensing and presumptions of representation. ***In any case, Member States should be required to provide for a mandatory general exception, applying where collective management organisations do not exist, or are unable to achieve sufficient representativity, or to offer easily available licences to cultural heritage institutions, educational establishments or other non-commercial documentation centers for the types of works and other subject matter held in their collections.***

Or. en

Amendment 255

Jean-Marie Cavada, Robert Rochefort, Joëlle Bergeron, António Marinho e Pinto

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) Les États membres devraient, dans le cadre défini par la présente directive, disposer d'une certaine marge pour choisir le type spécifique de mécanisme ***qui permet d'étendre des licences*** concernant des œuvres indisponibles ***aux droits de titulaires de droits qui ne sont pas représentés par l'organisation de gestion collective***, en fonction de leurs traditions, pratiques ou situations juridiques. De tels mécanismes peuvent comprendre la concession de licences collectives étendues et des présomptions de représentation.

Amendment

(23) Les États membres devraient, dans le cadre défini par la présente directive, disposer d'une certaine marge pour choisir le type spécifique de mécanisme ***à mettre en oeuvre*** concernant des œuvres indisponibles en fonction de leurs traditions, pratiques ou situations juridiques. De tels mécanismes peuvent comprendre la concession de licences collectives étendues et des présomptions de représentation. ***La présente directive ne devrait pas préjuger des solutions spécifiques développées dans les Etats membres pour traiter la numérisation de masse des oeuvres hors commerce.***

Or. fr

Amendment 256
Jens Rohde

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) For the purpose of those licensing mechanisms, a rigorous and well-functioning collective management system is important. That system includes in particular rules of good governance, transparency and reporting, as well as the regular, diligent and accurate distribution and payment of amounts due to individual rightholders, as provided for by Directive 2014/26/EU. Additional appropriate safeguards should be available for all rightholders, who should be given the opportunity to exclude the application of such mechanisms to their works or other subject-matter. Conditions attached to those mechanisms should not affect their practical relevance for cultural heritage institutions.

Amendment

(24) For the purpose of those licensing mechanisms, a rigorous and well-functioning collective management system is important. That system includes in particular rules of good governance, transparency and reporting, as well as the regular, diligent and accurate distribution and payment of amounts due to individual rightholders ***and make use of available technological developments***, as provided for by Directive 2014/26/EU. Additional appropriate safeguards should be available for all rightholders, who should be given the opportunity to exclude the application of such mechanisms to their works or other subject-matter. Conditions attached to those mechanisms should not affect their practical relevance for cultural heritage institutions.

Or. en

Justification

Technological developments should be exploited in as much as possible in order to guarantee appropriate remuneration for authors and performers.

Amendment 257

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) For the purpose of those licensing mechanisms, a rigorous and well-functioning collective management system is important. That system includes in particular rules of good governance, transparency and reporting, as well as the regular, diligent and accurate distribution and payment of amounts due to individual rightholders, as provided for by Directive 2014/26/EU. Additional appropriate safeguards should be available for all rightholders, who should be given the opportunity to exclude the application of such mechanisms to their works or other subject-matter. Conditions attached to those mechanisms should not affect their practical relevance for cultural heritage institutions.

Amendment

(24) For the purpose of those **possible** licensing mechanisms, a rigorous and well-functioning collective management system is important. That system includes in particular rules of good governance, transparency and reporting, as well as the regular, diligent and accurate distribution and payment of amounts due to individual rightholders, as provided for by Directive 2014/26/EU. Additional appropriate safeguards should be available for all rightholders, who should be given the opportunity to exclude the application of such mechanisms to their works or other subject-matter. Conditions attached to those mechanisms should not affect their practical relevance for cultural heritage institutions.

Or. en

Amendment 258

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms ***introduced by this Directive are*** available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of those mechanisms, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, users and collective management organisations when doing so.

Amendment

(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the ***potential*** licensing mechanisms ***are easily*** available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of those mechanisms, specific requirements and procedures may have to be established by Member States for the practical application of those ***potential*** licensing mechanisms. It is appropriate that Member States consult rightholders, users, ***cultural heritage institutions, educational establishments, other non-commercial documentation centers*** and collective management organisations when doing so.

Or. en

Amendment 259

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms introduced by this Directive are available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of those mechanisms, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, users and collective management organisations when doing so.

Amendment

(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms introduced by this Directive are available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of those mechanisms, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, ***cultural heritage institutions***, users and collective management organisations when doing so.

Or. en

Amendment 260

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) Eu égard à la diversité des œuvres et autres objets protégés dans les collections des institutions de gestion du patrimoine culturel, il importe que les mécanismes de concession de licences instaurés par la présente directive soient disponibles et puissent être utilisés dans la pratique pour différents types d'œuvres et autres objets protégés, y compris les photographies, les enregistrements sonores et les œuvres audiovisuelles. Pour tenir compte des spécificités des diverses catégories d'œuvres et autres objets protégés en ce qui concerne les modalités de publication et de distribution et pour faciliter l'utilisation de ces mécanismes, les États membres pourraient avoir à définir des procédures et conditions spécifiques pour l'application concrète de ces mécanismes de concession de licences. Pour ce faire, il convient que les États membres consultent les titulaires de droits, les utilisateurs et les organismes de gestion collective.

Amendment

(25) Eu égard à la diversité des œuvres et autres objets protégés dans les collections des institutions de gestion du patrimoine culturel ***et des bibliothèques***, il importe que les mécanismes de concession de licences instaurés par la présente directive soient disponibles et puissent être utilisés dans la pratique pour différents types d'œuvres et autres objets protégés, y compris les photographies, les enregistrements sonores et les œuvres audiovisuelles. Pour tenir compte des spécificités des diverses catégories d'œuvres et autres objets protégés en ce qui concerne les modalités de publication et de distribution et pour faciliter l'utilisation de ces mécanismes, les États membres pourraient avoir à définir des procédures et conditions spécifiques pour l'application concrète de ces mécanismes de concession de licences. Pour ce faire, il convient que les États membres consultent les titulaires de droits, les utilisateurs et les organismes de gestion collective.

Or. fr

Amendment 261

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) Given the existence of divergences between collective management practices across Member States and creative and cultural sectors, a solution needs to be provided for where licensing mechanisms are not effective solutions, because of, for example, a lack of collective licensing or the fact that no collective management organization has been able to achieve recognition in a Member State or for a sector. In such instances, where licensing mechanisms are lacking, it is necessary to provide for an exception that allows cultural heritage institutions, research organizations, and educational establishments to make out of commerce works held in their collection available online. Nevertheless, in doing so, it is also necessary to provide authors and performers with the possibility to provide collective licenses or to form a collective management organization as well as to involve them in the determination of whether such licenses are available or not. Therefore, right-holders should be able to object to the dissemination of their works online in this way.

Or. en

Amendment 262
Julia Reda

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) In order to provide legal clarity for the legitimate use of extracts or quotations of copyright-protected works, it is necessary to acknowledge the position and role of user-generated content in the online environment.

Or. en

Amendment 263

Julia Reda

Proposal for a directive

Recital 26

Text proposed by the Commission

Amendment

(26) For reasons of international comity, the licensing mechanisms for the digitisation and dissemination of out-of-commerce works provided for in this Directive should not apply to works or other subject-matter that are first published or, in the absence of publication, first broadcast in a third country or, in the case of cinematographic or audiovisual works, to works the producer of which has his headquarters or habitual residence in a third country. Those mechanisms should also not apply to works or other subject-matter of third country nationals except when they are first published or, in the absence of publication, first broadcast in the territory of a Member State or, in the case of cinematographic or audiovisual works, to works of which the producer's headquarters or habitual residence is in a Member State. *deleted*

Or. en

Amendment 264

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) For reasons of international comity, the licensing mechanisms for the digitisation and dissemination of out-of-commerce works provided for in this Directive should not apply to works or other subject-matter that are first published or, in the absence of publication, first broadcast in a third country or, in the case of cinematographic or audiovisual works, to works the producer of which has his headquarters or habitual residence in a third country. ***Those mechanisms should also not apply to works or other subject-matter of third country nationals except when they are first published or, in the absence of publication, first broadcast in the territory of a Member State or, in the case of cinematographic or audiovisual works, to works of which the producer's headquarters or habitual residence is in a Member State.***

Amendment

(26) For reasons of international comity, the licensing mechanisms for the digitisation and dissemination of out-of-commerce works provided for in this Directive should not apply to works or other subject-matter that are first published or, in the absence of publication, first broadcast in a third country or, in the case of cinematographic or audiovisual works, to works the producer of which has his headquarters or habitual residence in a third country.

Or. en

Amendment 265
Julia Reda

Proposal for a directive
Recital 27

Text proposed by the Commission

Amendment

(27) As mass digitisation projects can entail significant investments by cultural heritage institutions, any licences granted under the mechanisms provided for in this Directive should not prevent them from generating reasonable revenues in order to cover the costs of the licence and the costs of digitising and disseminating the works and other subject-matter covered by the licence. *deleted*

Or. en

Amendment 266

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) As mass digitisation projects can entail significant investments by cultural heritage institutions, any licences granted under the mechanisms provided for in this Directive should not prevent them from generating reasonable revenues ***in order*** to cover the costs of the licence and the costs of digitising and disseminating the works and other subject-matter covered by the licence.

Amendment

(27) As mass digitisation projects can entail significant investments by cultural heritage institutions, any licences granted under the mechanisms provided for in this Directive should not prevent them from generating reasonable revenues ***that should be allocated only*** to cover the costs of the licence and the costs of digitising and disseminating the works and other subject-matter covered by the licence.

Or. en

Amendment 267

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) Les informations concernant l'utilisation actuelle et future des œuvres et autres objets protégés indisponibles par les institutions de gestion du patrimoine culturel sur la base des mécanismes de concession de licences prévus par la présente directive et les modalités en vigueur permettant à tous les titulaires de droits d'exclure l'application des licences à leurs œuvres ou autres objets protégés devraient faire l'objet d'une publicité suffisante. ***Cet élément est particulièrement important lorsque les utilisations s'inscrivent dans un contexte transfrontière au sein du marché intérieur. Il y a donc lieu de prévoir la création d'un portail en ligne unique, accessible au public, afin que l'Union puisse informer ce dernier de l'utilisation transfrontière suffisamment tôt avant qu'elle n'ait lieu. En vertu du règlement (UE) n° 386/2012 du Parlement européen et du Conseil³³, l'Office de l'Union européenne pour la propriété intellectuelle (ci-après l'«Office») est chargé d'exercer des tâches et activités relatives au respect des droits de propriété intellectuelle à l'aide de ses propres moyens budgétaires, visant à faciliter et soutenir les activités des autorités nationales, du secteur privé et des institutions de l'Union relatives au respect des droits de propriété intellectuelle et, en particulier, leurs activités de lutte contre les atteintes à ces droits, y compris la prévention de ces atteintes. Il est donc approprié de confier à cet Office la mise en place et la gestion du portail européen offrant ces informations.***

³³ Règlement (UE) n° 386/2012 du Parlement européen et du Conseil du 19 avril 2012 confiant à l'Office de l'harmonisation dans le marché intérieur (marques, dessins et modèles) des tâches liées au respect des droits de propriété intellectuelle, notamment la réunion de représentants des secteurs public et privé au sein d'un Observatoire européen des atteintes aux droits de propriété intellectuelle (JO L 129 du 16.5.2012, p. 1).

Amendment

(28) Les informations concernant l'utilisation actuelle et future des œuvres et autres objets protégés indisponibles par les institutions de gestion du patrimoine culturel ***ou les bibliothèques***, sur la base des mécanismes de concession de licences prévus par la présente directive et les modalités en vigueur permettant à tous les titulaires de droits d'exclure l'application des licences à leurs œuvres ou autres objets protégés devraient faire l'objet d'une publicité suffisante. ***Les Etats membres sont donc invités à mettre en place, si nécessaire, un portail d'information sur le sujet.***

³³ Règlement (UE) n° 386/2012 du Parlement européen et du Conseil du 19 avril 2012 confiant à l'Office de l'harmonisation dans le marché intérieur (marques, dessins et modèles) des tâches liées au respect des droits de propriété intellectuelle, notamment la réunion de représentants des secteurs public et privé au sein d'un Observatoire européen des atteintes aux droits de propriété intellectuelle (JO L 129 du 16.5.2012, p. 1).

Or. fr

Amendment 268
Julia Reda

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) Information regarding the future and ongoing use of out-of-commerce works and other subject-matter by cultural heritage institutions on the basis of the licensing mechanisms provided for in this Directive and the arrangements in place for all rightholders to exclude the application of licences to their works or other subject-matter should be **adequately** publicised. This is particularly important when uses take place across borders in the internal market. It is therefore appropriate to make provision for the creation of a single publicly accessible online portal for the Union to make such information available to the public for **a reasonable period** of time before the cross-border use takes place. Under Regulation (EU) No 386/2012 of the European Parliament and of the Council³³, the European Union Intellectual Property Office is entrusted with certain tasks and activities, financed by making use of its own budgetary measures, aiming at facilitating and supporting the activities of national authorities, the private sector and Union institutions in the fight against, including the prevention of, infringement of intellectual property rights. It is therefore appropriate to rely on that Office to establish and manage the European portal making such information available.

Amendment

(28) Information regarding the future and ongoing use of out-of-commerce works and other subject-matter by cultural heritage institutions on the basis of the licensing mechanisms provided for in this Directive and the arrangements in place for all rightholders to exclude the application of licences to their works or other subject-matter should be **effectively** publicised. This is particularly important when uses take place across borders in the internal market. It is therefore appropriate to make provision for the creation of a single publicly accessible online portal for the Union to make such information **widely and explicitly** available to the public for **at least 6 months** of time before the cross-border use takes place. Under Regulation (EU) No 386/2012 of the European Parliament and of the Council³³, the European Union Intellectual Property Office is entrusted with certain tasks and activities, financed by making use of its own budgetary measures, aiming at facilitating and supporting the activities of national authorities, the private sector and Union institutions in the fight against, including the prevention of, infringement of intellectual property rights. **The single online portal should provide authors and other rightholders with means to oppose the making available of their works and other subject matter.** It is therefore appropriate to rely on that Office to establish and manage the European portal making such information available **and provide such functionality to rightholders and cultural heritage institutions.**

³³ Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights (OJ L 129, 16.5.2012, p. 1–6).

³³ Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights (OJ L 129, 16.5.2012, p. 1–6).

Or. en

Amendment 269

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) Information regarding the future and ongoing use of out-of-commerce works and other subject-matter by cultural heritage institutions ***on the basis of the licensing mechanisms*** provided for in this Directive and the arrangements in place for all rightholders to exclude ***the application of licences to*** their works or other subject-matter should be adequately publicised. This is particularly important when uses take place across borders in the internal market. It is therefore appropriate to make provision for the creation of a single ***publicly accessible*** online portal for the Union to make such information available to the public ***for a reasonable period of time*** before the cross-border use takes place. Under Regulation (EU) No 386/2012 of the European Parliament and of the Council³³, the European Union Intellectual Property Office is entrusted with certain tasks and activities, financed by making use of its own budgetary measures, aiming at facilitating and supporting the activities of national authorities, the private sector and Union institutions in the fight against, including the prevention of, infringement of intellectual property rights. It is therefore appropriate to rely on that Office to establish and manage the European portal making such information available.

³³ Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights (OJ L 129, 16.5.2012, p. 1–6).

Amendment

(28) Information regarding the future and ongoing use of out-of-commerce works and other subject-matter by cultural heritage institutions, ***educational establishments, other non-commercial documentation centers*** provided for in this Directive and the arrangements in place for all rightholders to exclude their works or other subject-matter should be adequately publicised. This is particularly important when uses take place across borders in the internal market. It is therefore appropriate to make provision for the creation of a single ***public*** online portal for the Union to make such information ***permanently, easily and effectively*** available to the public, ***in any case for at least six months*** before the cross-border use takes place. Under Regulation (EU) No 386/2012 of the European Parliament and of the Council³³, the European Union Intellectual Property Office is entrusted with certain tasks and activities, financed by making use of its own budgetary measures, aiming at facilitating and supporting the activities of national authorities, the private sector and Union institutions in the fight against, including the prevention of, infringement of intellectual property rights. It is therefore appropriate to rely on that Office to establish and manage the European portal making such information available.

³³ Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights (OJ L 129, 16.5.2012, p. 1–6).

Amendment 270

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28 a) In order to substantiate the general public goal of increasing access to, and favouring the dissemination of, creative content, information and knowledge and to ensure legal certainty within the internal market, a definition of public domain should be introduced. It should also be highlighted that the ultimate goal of most authors, performers and creators is primarily the human and societal development and prosperity rather than the potential economic gain.

Or. en

Amendment 271

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 28 b (new)

Text proposed by the Commission

Amendment

(28 b) It is of the utmost importance to clarify that once a work or other subject matter is in the public domain, any faithful reproduction, whether analogical or digital, of that work or subject matter, which does not constitute a new or transformative work or subject matter, should remain in the public domain. Public domain should encompass works or other subject matter whose copyright have expired, or have never existed or have been voluntarily relinquished by rightholders.

Or. en

Amendment 272

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 28 c (new)

Text proposed by the Commission

Amendment

(28 c) When the copyright expires on a work or other subject matter, it could be extremely difficult to establish that such work or subject matter has passed into the public domain. Public domain works or other subject matter could never be identified, thus hindering access to content, information and knowledge. Member States should allow authors, performers and producers, who do not intend to copyright their work or other subject matter, to dedicate it, in whole or in part, to the public domain. Indeed, it should be acknowledged that the ultimate goal of most authors, performers and creators is primarily the human and societal development and prosperity rather than the potential economic gain. In light of this, Member States should encourage the use of appropriate public domain equivalent licences (e.g. creative commons). This would help authors, performers and producers to makes it clear to potential re-users that the work is in the public domain, thus spreading the dissemination of content, information and knowledge.

Or. en

Amendment 273

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) Les services à la demande pourraient jouer un rôle déterminant dans la diffusion d'œuvres européennes dans l'ensemble de l'Union européenne. Cependant, les contrats relatifs à l'exploitation en ligne de ces œuvres pourraient se heurter à des difficultés liées à la concession sous licence de droits. Ces difficultés pourraient par exemple survenir lorsque le titulaire des droits relatifs à un territoire donné n'est pas intéressé par l'exploitation en ligne de l'œuvre ou lorsqu'il existe des problèmes liés aux fenêtres d'exploitation.

Amendment

(29) Les services à la demande pourraient jouer un rôle déterminant dans la diffusion d'œuvres européennes dans l'ensemble ***des Etats membres*** de l'Union européenne. Cependant, les contrats relatifs à l'exploitation en ligne de ces œuvres pourraient se heurter à des difficultés liées à la concession sous licence de droits. Ces difficultés pourraient par exemple survenir lorsque le titulaire des droits relatifs à un territoire donné n'est pas intéressé par l'exploitation en ligne de l'œuvre ou lorsqu'il existe des problèmes liés aux fenêtres d'exploitation.

Or. fr

Amendment 274

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) On-demand services have the potential to play a decisive role in the dissemination of European works across the European Union. However, agreements on the online ***exploitation*** of such works may face difficulties related to the licensing of rights. Such issues may, for instance, appear when the holder of the rights for a given territory is not interested in the online exploitation of the work or where there are issues linked to the windows of exploitation.

Amendment

(29) On-demand services have the potential to play a decisive role in the dissemination of European works across the European Union. However, agreements on the online ***enjoyment*** of such works may face difficulties related to the licensing of rights. Such issues may, for instance, appear when the holder of the rights for a given territory is not interested in the online exploitation of the work or where there are issues linked to the windows of exploitation.

Or. en

Amendment 275
Julia Reda

Proposal for a directive
Recital 29 a (new)

Text proposed by the Commission

Amendment

(29 a) The reproduction of cultural works, specifically their digitisation, will in the coming years be the most powerful tool not only for the preservation of our cultural heritage but also for providing broad access to researchers, students and the general public. In contrast, access to culture would be jeopardised if these digitisations were copyrighted. Faithful reproductions of works that do not constitute a creative transformation should not be hampered by added barriers that could have a chilling effect on digitisation of cultural heritage.

Or. en

Amendment 276

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the **bearing of the** costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Amendment

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism ***managed by a designated existing or newly established national body*** allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. ***Where the negotiation involves parties from different Member States, they should agree beforehand on the Member State competent, should the negotiation mechanism be required at some point in their negotiation.*** The body should meet with the parties and help with the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the ***division of any*** costs ***arising***. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Or. en

Justification

This amendment aims at clarifying the term of national body.

Amendment 277

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional *and external* advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations *and* the bearing of the costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Amendment

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial *public* body. The body should meet with the parties and help with the negotiations by providing professional, *external, impartial and affordable* advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations, the bearing of the costs *and the composition of such bodies*. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Or. en

Amendment 278
Daniel Buda

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) Pentru a facilita acordarea de licențe privind drepturile asupra operelor audiovizuale către platformele de video la cerere, prezenta directivă impune statelor membre să instituie un mecanism de **negociere** care să permită părților care doresc să încheie un contract să se bazeze pe asistența unui organism imparțial. Organismul respectiv ar trebui să se întâlnească cu părțile și să **le ajute să negocieze** oferind consiliere profesională și externă. În acest context, statele membre ar trebui să decidă condițiile de funcționare a mecanismului de **negociere**, inclusiv când și pentru cât timp se acordă asistență pentru negocieri, precum și cine suportă costurile. Statele membre ar trebui să se asigure că sarcinile administrative și financiare rămân proporționale, pentru a garanta eficiența forumului de **negociere**.

Amendment

(30) Pentru a facilita acordarea de licențe privind drepturile asupra operelor audiovizuale către platformele de video la cerere, prezenta directivă impune statelor membre să instituie un mecanism de **facilitare** care să permită părților **relevante** care doresc să încheie un contract să se bazeze pe asistența unui organism imparțial. Organismul respectiv ar trebui să se întâlnească cu părțile **relevante** și să **faciliteze negocierea**, oferind consiliere profesională și externă. În acest context, statele membre ar trebui să decidă condițiile de funcționare a mecanismului de **facilitare**, inclusiv când și pentru cât timp se acordă asistență pentru negocieri, precum și cine suportă costurile. Statele membre ar trebui să se asigure că sarcinile administrative și financiare rămân proporționale, pentru a garanta eficiența forumului de **facilitare**.

Or. ro

Amendment 279

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) Pour faciliter la concession sous licence de droits concernant des œuvres audiovisuelles à des plateformes de vidéo à la demande, la présente directive ***impose*** aux États membres de mettre en place un mécanisme de négociation permettant aux parties désireuses de conclure un contrat de compter sur l'assistance d'un organisme impartial. L'organisme en question devrait se réunir avec les parties et contribuer aux négociations en fournissant des conseils professionnels et extérieurs. Dans ce contexte, les États membres devraient définir les conditions de fonctionnement du mécanisme de négociation, y compris le calendrier et la durée de l'assistance aux négociations, et la prise en charge des coûts. Ils devraient faire en sorte que les charges administratives et financières restent proportionnées pour garantir l'efficacité du forum de négociation.

Amendment

(30) Pour faciliter la concession sous licence de droits concernant des œuvres audiovisuelles à des plateformes de vidéo à la demande, la présente directive ***recommande*** aux États membres de mettre en place un mécanisme de négociation permettant aux parties désireuses de conclure un contrat de compter sur l'assistance d'un organisme impartial. L'organisme en question devrait se réunir avec les parties et contribuer aux négociations en fournissant des conseils professionnels et extérieurs. Dans ce contexte, les États membres devraient définir les conditions de fonctionnement du mécanisme de négociation, y compris le calendrier et la durée de l'assistance aux négociations, et la prise en charge des coûts. Ils devraient faire en sorte que les charges administratives et financières restent proportionnées pour garantir l'efficacité du forum de négociation.

Or. fr

Amendment 280
Julia Reda

Proposal for a directive
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30 a) The collection, cataloguing, preservation and making available of the Union's heritage is of the utmost importance and should be strengthened for the benefit of future generations. This should be achieved notably through the preservation of published heritage. To this end, a Union legal deposit should be created in order to ensure that publications produced within and about the Union, in particular about Union law, Union history and integration, Union policy and Union democracy, institutional, parliamentary affairs and politics, and, thereby, the Union's intellectual record and future published heritage, is collected systematically. Not only should such heritage be preserved through the creation of a Union archive for publications dealing with Union-related matters, but it should also be made available to Union citizens and future generations. The European Parliament Library, as the Library of the only Union institution directly representing Union citizens, should be designated as the Union depository library. In order not to create an excessive burden on publishers, printers and importers, preferential treatment should be given to electronic publications, such as e-books, e-journals and e-magazines for deposition in the European Parliament Library, which should make available for readers publications covered by the Union legal deposit at the European Parliament Library for the purpose of research or study following best practices of similar libraries. Furthermore, the collection and delivery procedures should seek to avoid unnecessary burden by making use of existing legal deposit requirements as well as bulk collection and delivery procedures.

Or. en

Amendment 281

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient. **deleted**

Or. en

Amendment 282

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient. *deleted*

Or. en

Amendment 283

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient. ***deleted***

Or. en

Justification

The planned new right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright but on certain other criteria (e.g. one criterion is that they should not be scientific journals according to Recital 33). Therefore, it seems to be a parallel protection beside the copyright on certain publications.

Amendment 284

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) Une presse libre et pluraliste est indispensable pour garantir un journalisme de qualité et l'accès des citoyens à l'information. Elle apporte une contribution fondamentale au débat public et au bon fonctionnement d'une société démocratique. Dans le passage de la presse écrite à la presse numérique, les éditeurs de presse sont confrontés à des difficultés pour concéder des licences relatives à l'utilisation en ligne de leurs publications et pour amortir leurs investissements. Les éditeurs de publications de presse n'étant pas reconnus comme des titulaires de droits, la concession sous licence de droits et l'exercice de ces droits ***dans l'environnement numérique*** sont souvent complexes et inefficients.

Amendment

(31) Une presse libre et pluraliste est indispensable pour garantir un journalisme de qualité et l'accès des citoyens à l'information. Elle apporte une contribution fondamentale au débat public et au bon fonctionnement d'une société démocratique. Dans le passage de la presse écrite à la presse numérique, les éditeurs ***et agences*** de presse sont confrontés à des difficultés pour concéder des licences relatives à l'utilisation en ligne de leurs publications et pour amortir leurs investissements. ***Ceci est principalement dû au fait que certains agrégateurs d'informations utilisent le contenu des éditeurs et agences de presse, sans contracter de licence et sans rémunérer le travail fourni de manière adéquate. Les agrégateurs d'information sont responsables des contenus qu'ils mettent à la disposition du public.*** Les éditeurs de publications de presse ***et les agences de presse*** n'étant pas reconnus comme des titulaires de droits, la concession sous licence de droits et l'exercice de ces droits sont souvent complexes et inefficients.

Or. fr

Amendment 285

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) Für Qualitätsjournalismus und den Zugang zu Informationen für die Bürger ist eine freie und pluralistische Presse unabdingbar. Sie leistet einen grundlegenden Beitrag zur öffentlichen Debatte und das Funktionieren einer demokratischen Gesellschaft. Der Übergang von den Druckmedien zu den digitalen Medien stellt Presseverlage vor das Problem der Vergabe von Lizenzen für die Online-Nutzung ihrer Veröffentlichungen und der Amortisierung ihrer Investitionen. Sofern Verlage als Rechteinhaber von Presseveröffentlichungen nicht anerkannt werden, gestaltet sich die Lizenzvergabe und Durchsetzung ihrer Rechte im digitalen Umfeld häufig als komplex und ineffizient.

Amendment

(31) Für Qualitätsjournalismus und den Zugang zu Informationen für die Bürger ist eine freie und pluralistische Presse unabdingbar. Sie leistet einen grundlegenden Beitrag zur öffentlichen Debatte und das Funktionieren einer demokratischen Gesellschaft. Der Übergang von den Druckmedien zu den digitalen Medien stellt Presseverlage vor das Problem der Vergabe von Lizenzen für die Online-Nutzung ihrer Veröffentlichungen und der Amortisierung ihrer Investitionen. ***Nachrichtenaggregatoren und Suchmaschinen haben ihre Tätigkeiten immer mehr ausgebaut und erzielen dabei Gewinne mit den Inhalten von Presseverlagen. Diese Gewinne werden nicht gerecht zwischen den Urhebern und den Verlagen aufgeteilt.*** Sofern Verlage als Rechteinhaber von Presseveröffentlichungen nicht anerkannt werden, gestaltet sich die Lizenzvergabe und Durchsetzung ihrer Rechte im digitalen Umfeld häufig als komplex und ineffizient.

Or. de

Amendment 286

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Esther de Lange, Pascal Arimont

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments, ***in a context where news aggregators and search engines are increasingly making profit out of press publications, without contributing to their development and without fairly remunerating their creators.*** In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

Amendment 287
Daniel Buda

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) O presă liberă și pluralistă este esențială pentru a asigura un jurnalism de calitate și accesul cetățenilor la informații. Aceasta are o contribuție fundamentală la dezbateră publică și la buna funcționare a unei societăți democratice. În contextul tranziției de la presa tipărită la cea digitală, editorii de publicații de presă se confruntă cu probleme în ceea ce privește acordarea de licențe privind drepturile de utilizare online a publicațiilor lor și recuperarea investițiilor. Atât timp cât editorii de publicații de presă nu sunt recunoscuți ca titulari de drepturi, acordarea de licențe și asigurarea respectării acestora în mediul digital sunt adesea complexe și ineficiente.

Amendment

(31) O presă liberă și pluralistă este esențială pentru a asigura un jurnalism de calitate și accesul cetățenilor la informații. Aceasta are o contribuție fundamentală la dezbateră publică și la buna funcționare a unei societăți democratice. În contextul tranziției de la presa tipărită la cea digitală, editorii de publicații de presă se confruntă cu probleme în ceea ce privește acordarea de licențe privind drepturile de utilizare online a publicațiilor lor și recuperarea investițiilor, ***precum și în ceea ce privește stabilirea unei calități procesuale pentru a-și afirma drepturile conferite prin lege sau prin atribuire, licență sau alte tipuri de înțelegeri contractuale***. Atât timp cât editorii de publicații de presă nu sunt recunoscuți ca titulari de drepturi, acordarea de licențe și asigurarea respectării acestora în mediul digital sunt adesea complexe și ineficiente.

Or. ro

Amendment 288
Sajjad Karim

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) A free and pluralist press *is* essential to ensure quality journalism and citizens' access to information. *It* provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in *licensing the online use of their publications and* recouping their investments. *In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.*

Amendment

(31) *An Open Internet and* a free and pluralist press *are* essential to ensure quality journalism and citizens' access to information. *The press* provides a fundamental contribution to public debate and the proper functioning of a democratic society *by investing in content.* *However,* in the transition from print to digital, publishers of press publications are facing problems in recouping their investments *and negotiating with online service providers.*

Or. en

Amendment 289

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. ***In the absence of recognition of publishers of press publications as rightholders***, licensing and enforcement in the digital environment is often complex and inefficient.

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. Licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

Amendment 290

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Marju Lauristin, Josef Weidenholzer

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) *A* free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Amendment

(31) ***An open Internet and*** free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

Amendment 291

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) Une presse libre et pluraliste est indispensable pour garantir un journalisme de qualité et l'accès des citoyens à l'information. Elle apporte une contribution fondamentale au débat public et au bon fonctionnement d'une société démocratique. Dans le passage de la presse écrite à la presse numérique, les éditeurs de presse sont confrontés à des difficultés pour concéder des licences relatives à l'utilisation en ligne de leurs publications et pour amortir leurs investissements. Les éditeurs de publications de presse n'étant pas reconnus comme des titulaires de droits, la concession sous licence de droits et l'exercice de ces droits dans l'environnement numérique sont souvent complexes et inefficients.

Amendment

(31) Une presse libre et pluraliste est indispensable pour garantir un journalisme de qualité et l'accès des citoyens ***des Etats membres*** à l'information. Elle apporte une contribution fondamentale au débat public et au bon fonctionnement d'une société démocratique. Dans le passage de la presse écrite à la presse numérique, les éditeurs de presse sont confrontés à des difficultés pour concéder des licences relatives à l'utilisation en ligne de leurs publications et pour amortir leurs investissements. Les éditeurs de publications de presse n'étant pas reconnus comme des titulaires de droits, la concession sous licence de droits et l'exercice de ces droits dans l'environnement numérique sont souvent complexes et inefficients.

Or. fr

Amendment 292

József Szájer, Andrea Bocskor

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses. *deleted*

Or. en

Justification

The planned new right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright but on certain other criteria (e.g. one criterion is that they should not be scientific journals according to Recital 33). Therefore it seem to be a parallel protection next to copyright on certain publications.

Amendment 293
Jens Rohde

Proposal for a directive
Recital 32

Text proposed by the Commission

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses. *deleted*

Or. en

Amendment 294

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses. *deleted*

Or. en

Amendment 295

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses. ***deleted***

Or. en

Amendment 296
Jiří Maštálka

Proposal for a directive
Recital 32

Text proposed by the Commission

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses. *deleted*

Or. en

Amendment 297
Sajjad Karim

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The organisational and financial **contribution** of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. ***It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.***

Amendment

(32) The organisational and financial **investment** of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry.

Or. en

Amendment 298

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Josef Weidenholzer

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and **further** encouraged to ensure the sustainability of **the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.**

(32) The organisational and financial contribution of **journalists and** publishers in producing press publications needs to be recognised and encouraged to ensure the sustainability of **news production**.

Or. en

Amendment 299

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) La contribution financière et organisationnelle des éditeurs dans la production de publications de presse doit être reconnue et davantage encouragée pour assurer la pérennité du secteur de l'édition. Il est dès lors ***nécessaire d'assurer au niveau de l'Union une*** protection juridique ***harmonisée*** des publications de presse à l'égard des utilisations numériques. Cette protection ***devrait être assurée de manière efficace par l'introduction, dans le droit de l'Union,*** de droits voisins du droit d'auteur pour la reproduction et la diffusion auprès du public de publications de presse dans le cadre des utilisations numériques.

Amendment

(32) La contribution financière et organisationnelle des éditeurs dans la production de publications de presse doit être reconnue et davantage encouragée pour assurer la pérennité du secteur de l'édition. Il est dès lors ***préconisé que les Etats membres prennent des mesures afin de s'assurer d'une*** protection juridique ***optimale*** des publications de presse à l'égard des utilisations numériques. ***Il est de ce fait suggéré que*** cette protection ***soit assurée par l'introduction, lorsque cela s'avère nécessaire, dans les systèmes juridiques nationaux,*** de droits voisins du droit d'auteur pour la reproduction et la diffusion auprès du public de publications de presse dans le cadre des utilisations numériques.

Or. fr

Amendment 300

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) La contribution financière et organisationnelle des éditeurs dans la production de publications de presse doit être reconnue et davantage encouragée pour assurer la pérennité du secteur de l'édition. Il est dès lors nécessaire d'assurer au niveau de l'Union une protection juridique harmonisée des publications de presse à l'égard des utilisations numériques. Cette protection devrait être assurée de manière efficace par l'introduction, dans le droit de l'Union, de droits voisins du droit d'auteur pour la reproduction et la diffusion auprès du public de publications de presse dans le cadre des utilisations numériques.

Amendment

(32) La contribution financière et organisationnelle des éditeurs ***et des agences de presse*** dans la production de publications de presse doit être reconnue et davantage encouragée pour assurer la pérennité du secteur de l'édition. Il est dès lors nécessaire d'assurer au niveau de l'Union une protection juridique harmonisée des publications de presse à l'égard des utilisations numériques. Cette protection devrait être assurée de manière efficace par l'introduction, dans le droit de l'Union, de droits voisins du droit d'auteur pour la reproduction et la diffusion auprès du public de publications de presse dans le cadre des utilisations numériques, ***et analogues***.

Or. fr

Amendment 301
Kosma Złotowski

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications ***in respect of digital uses***. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications ***in respect of digital uses***.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. en

Amendment 302

Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications *in respect of digital uses*. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications *in respect of digital uses*.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. en

Amendment 303

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Pascal Arimont

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications *in respect of digital uses*. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications *in respect of digital uses*.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. en

Amendment 304

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) Um die Tragfähigkeit des Verlagswesens zu erhalten, gilt es, den organisatorischen und finanziellen Beitrag, den Verlage bei der Produktion von Presseveröffentlichungen leisten, anzuerkennen und die Verlage weiterhin hierzu zu ermutigen. Daher wird auf Unionsebene ein harmonisierter Rechtsschutz für Presseveröffentlichungen im Hinblick auf ihre digitalen Nutzungen benötigt. Ein solcher Rechtsschutz sollte wirksam gewährleistet werden, indem im Unionsrecht die Vervielfältigung und öffentliche Zugänglichmachung von Presseveröffentlichungen ***im Hinblick auf deren digitale Nutzungen*** urheberrechtlich geschützt werden.

Amendment

(32) Um die Tragfähigkeit des Verlagswesens zu erhalten, gilt es, den organisatorischen und finanziellen Beitrag, den Verlage bei der Produktion von Presseveröffentlichungen leisten, anzuerkennen und die Verlage weiterhin hierzu zu ermutigen. Daher wird auf Unionsebene ein harmonisierter Rechtsschutz für Presseveröffentlichungen im Hinblick auf ihre digitalen Nutzungen benötigt. Ein solcher Rechtsschutz sollte wirksam gewährleistet werden, indem im Unionsrecht die Vervielfältigung und öffentliche Zugänglichmachung von Presseveröffentlichungen urheberrechtlich geschützt werden.

Or. de

Amendment 305
Rosa Estaràs Ferragut

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) Debe reconocerse y potenciarse la contribución organizativa y financiera de las editoriales a la producción de publicaciones de prensa para asegurar la sostenibilidad del sector. Por consiguiente, es necesario deparar en toda la Unión una protección jurídica armonizada a las publicaciones de prensa en relación con los usos digitales. Dicha protección debe garantizarse efectivamente mediante la introducción, en el Derecho de la Unión, de derechos afines a los derechos de autor para la reproducción y puesta a disposición del público de publicaciones de prensa ***en relación con los usos digitales***.

Amendment

(32) Debe reconocerse y potenciarse la contribución organizativa y financiera de las editoriales a la producción de publicaciones de prensa para asegurar la sostenibilidad del sector. Por consiguiente, es necesario deparar en toda la Unión una protección jurídica armonizada a las publicaciones de prensa en relación con los usos digitales. Dicha protección debe garantizarse efectivamente mediante la introducción, en el Derecho de la Unión, de derechos afines a los derechos de autor para la reproducción y puesta a disposición del público de publicaciones de prensa

Or. es

Justification

La propuesta solo proporciona derechos para usos digitales. Se entiende el derecho conexo de los editores a los usos analógicos.

Amendment 306
Angel Dzhambazki

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications ***in respect of digital uses***.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications.

Or. en

Justification

The proposal only provides rights for digital uses, whereas the role of the publisher is both for print and digital. Other neighbouring rights in fact enjoy a full scope of rights, i.e. film producers and broadcasting organisations. Hence, the provision should be applicable to both.

Amendment 307

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public. ***deleted***

Or. en

Amendment 308

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public. *deleted*

Or. en

Amendment 309
Jens Rohde

Proposal for a directive
Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public. **deleted**

Or. en

Amendment 310

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

deleted

Or. en

Amendment 311
Pavel Svoboda

Proposal for a directive
Recital 33

Text proposed by the Commission

Amendment

(33) Pro účely této směrnice je třeba definovat pojem tiskové publikace tak, aby zahrnoval pouze novinářské publikace zveřejněné poskytovatelem služeb, které jsou periodicky nebo pravidelně aktualizovány v jakýchkoli médiích, za účelem informování nebo zábavy. Tyto publikace by zahrnovaly například deníky, týdenní nebo měsíční časopisy s obecnou nebo speciální tematikou a zpravodajské internetové stránky. Na periodické publikace vydávané pro vědecké či akademické účely, jako jsou například odborné časopisy, by se ochrana tiskových publikací podle této směrnice vztahovat neměla. Tato ochrana se nevztahuje na úkony vkládání hypertextových odkazů, které nepředstavují sdělování veřejnosti.

vypouští se

Or. cs

Amendment 312

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Monika Vana, Bodil Valero, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to ***define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not*** extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to ***clarify the scope of protection set out in Article 2 and 3 of Directive 2001/29/EC. In order to improve legal certainty for all concerned parties, and to ensure the freedom to carry out certain acts necessary for the normal functioning of the Internet as well as to take account of certain fundamental rights, these Articles*** should not extend to acts of hyperlinking, which do not constitute communication to the public.

Or. en

Amendment 313
Rosa Estaràs Ferragut

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) A los efectos de la presente Directiva, es necesario definir el concepto de publicación de prensa de modo que solamente englobe las publicaciones periodísticas, publicadas por un proveedor de servicios, que se actualizan periódica o regularmente en cualquier soporte, para fines de información o entretenimiento. Entre esas publicaciones se cuentan, por ejemplo, los periódicos de publicación diaria, las revistas semanales o mensuales de interés general o especial y los sitios web de noticias. ***Las publicaciones periódicas que se publican con fines científicos o académicos, como las revistas científicas, no han de estar cubiertas por la protección que se brinda a a las publicaciones de prensa en el marco de la presente Directiva.*** Esta protección no se extiende a actos de hiperenlace que no constituyan una comunicación al público.

Amendment

(33) A los efectos de la presente Directiva, es necesario definir el concepto de publicación de prensa de modo que solamente englobe las publicaciones periodísticas, publicadas por un proveedor de servicios, que se actualizan periódica o regularmente en cualquier soporte, para fines de información o entretenimiento. Entre esas publicaciones se cuentan, por ejemplo, los periódicos de publicación diaria, las revistas semanales o mensuales de interés general o especial y los sitios web de noticias. Esta protección no se extiende a actos de hiperenlace que no constituyan una comunicación al público.

Or. es

Justification

Las publicaciones científicas son parte de la prensa periódica pero en la propuesta están explícitamente excluidas.

Amendment 314
Daniel Buda

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) În sensul prezentei directive, este necesar ca noțiunea de publicație de presă să fie definită în așa fel încât să cuprindă numai publicațiile jurnalistice publicate periodic sau actualizate regulat, de către un furnizor de servicii, în orice formă de media, în scop de informare sau de divertisment. Printre astfel de publicații s-ar număra, de exemplu, cotidienele, revistele săptămânale sau lunare de interes general sau de specialitate și site-urile de știri. ***Publicațiile periodice care sunt publicate în scop științific sau academic, cum ar fi revistele științifice, nu ar trebui să intre în domeniul de aplicare al protecției acordate publicațiilor de presă în temeiul prezentei directive.*** Protecția nu se aplică actelor de introducere de hyperlinkuri, deoarece aceste acte nu constituie o comunicare publică.

Amendment

(33) În sensul prezentei directive, este necesar ca noțiunea de publicație de presă să fie definită în așa fel încât să cuprindă numai publicațiile jurnalistice publicate periodic sau actualizate regulat, de către un furnizor de servicii, în orice formă de media, în scop de informare sau de divertisment. Printre astfel de publicații s-ar număra, de exemplu, cotidienele, revistele săptămânale sau lunare de interes general sau de specialitate și site-urile de știri. Protecția nu se aplică actelor de introducere de hyperlinkuri, deoarece aceste acte nu constituie o comunicare publică.

Or. ro

Amendment 315
Angel Dzhambazki

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. ***Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive.*** This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. en

Amendment 316

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Esther de Lange, Pascal Arimont

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should **not** be covered by the protection granted to press publications under this Directive. This protection does not extend to acts **of hyperlinking** which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should be covered by the protection granted to press publications under this Directive. This protection ***should notably apply where the content is automatically generated by, for example, news aggregators but*** does not extend to acts which do not constitute communication to the public ***as it may be the case with acts of hyperlinking.***

Or. en

Amendment 317
Kosma Złotowski

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific *or academic* purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published *strictly* for scientific, *academic or non-commercial* purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. en

Amendment 318

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) Aux fins de la présente directive, il est nécessaire de définir la notion de publication de presse de manière à couvrir uniquement les publications journalistiques, diffusées par un prestataire de services, périodiquement ou régulièrement actualisées sur tout support, à des fins d'information ou de divertissement. Ces publications pourraient inclure, par exemple, des journaux quotidiens, des magazines hebdomadaires ou mensuels généralistes ou spécialisés, et des sites internet d'information. Les publications périodiques qui sont diffusées à des fins scientifiques ou universitaires, telles que les revues scientifiques, ne devraient pas être couvertes par la protection accordée aux publications de presse en vertu de la présente directive. Cette protection ne s'étend pas aux actes de création de liens hypertextes *qui* ne constituent pas une communication au public.

Amendment

(33) Aux fins de la présente directive, il est nécessaire de définir la notion de publication de presse de manière à couvrir uniquement les publications journalistiques, diffusées par un prestataire de services, périodiquement ou régulièrement actualisées sur tout support, à des fins d'information ou de divertissement. Ces publications pourraient inclure, par exemple, des journaux quotidiens, des magazines hebdomadaires ou mensuels généralistes ou spécialisés, et des sites internet d'information. Les publications périodiques qui sont diffusées à des fins scientifiques ou universitaires, telles que les revues scientifiques, ne devraient pas être couvertes par la protection accordée aux publications de presse en vertu de la présente directive. Cette protection ne s'étend pas aux actes de création de liens hypertextes *lorsque ces actes* ne constituent pas une communication au public.

Or. fr

Amendment 319

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) Für die Zwecke dieser Richtlinie ist es notwendig, den Begriff der Presseveröffentlichung so zu definieren, dass er nur journalistische Veröffentlichungen umfasst, die, unabhängig vom Medium, von einem Diensteanbieter für die Zwecke der Information oder Unterhaltung veröffentlicht und in bestimmten Zeitabständen oder regelmäßig aktualisiert werden. Solche Veröffentlichungen umfassen beispielsweise Tageszeitungen oder wöchentlich oder monatlich erscheinende Magazine von allgemeinem oder besonderem Interesse sowie Nachrichtenwebsites. Periodika wie beispielsweise Wissenschaftsjournale, die für wissenschaftliche oder akademische Zwecke verlegt werden, sollten **nicht** unter den auf der Grundlage dieser Richtlinie gewährten Schutz für Presseveröffentlichungen fallen. Dieser Schutz erstreckt sich nicht auf das Verknüpfen mit Hyperlinks, da dies keine öffentliche Wiedergabe darstellt.

Amendment

(33) Für die Zwecke dieser Richtlinie ist es notwendig, den Begriff der Presseveröffentlichung so zu definieren, dass er nur journalistische Veröffentlichungen umfasst, die, unabhängig vom Medium, von einem Diensteanbieter für die Zwecke der Information oder Unterhaltung veröffentlicht und in bestimmten Zeitabständen oder regelmäßig aktualisiert werden. Solche Veröffentlichungen umfassen beispielsweise Tageszeitungen oder wöchentlich oder monatlich erscheinende Magazine von allgemeinem oder besonderem Interesse sowie Nachrichtenwebsites. Periodika wie beispielsweise Wissenschaftsjournale, die für wissenschaftliche oder akademische Zwecke verlegt werden, sollten **ebenfalls** unter den auf der Grundlage dieser Richtlinie gewährten Schutz für Presseveröffentlichungen fallen. Dieser Schutz erstreckt sich nicht auf das Verknüpfen mit Hyperlinks, da dies keine öffentliche Wiedergabe darstellt.

Or. de

Amendment 320

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of ***hyperlinking which do not constitute communication to the public.***

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of ***a computation referencing or indexing system such as hyperlinking.***

Or. en

Amendment 321
Rosa Estaràs Ferragut

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) A los efectos de la presente Directiva, es necesario definir el concepto de publicación de prensa de modo que solamente englobe las publicaciones periodísticas, publicadas por un proveedor de servicios, que se actualizan periódica o regularmente en cualquier soporte, para fines de información o entretenimiento. Entre esas publicaciones se cuentan, por ejemplo, los periódicos de publicación diaria, las revistas semanales o mensuales de interés general o especial y los sitios web de noticias. Las publicaciones periódicas que se publican con fines científicos o académicos, como las revistas científicas, **no han de** estar cubiertas por la protección que se brinda **a** a las publicaciones de prensa en el marco de la presente Directiva. Esta protección no se extiende a actos de hiperenlace que no constituyan una comunicación al público.

Amendment

(33) A los efectos de la presente Directiva, es necesario definir el concepto de publicación de prensa de modo que solamente englobe las publicaciones periodísticas, publicadas por un proveedor de servicios, que se actualizan periódica o regularmente en cualquier soporte, para fines de información o entretenimiento. Entre esas publicaciones se cuentan, por ejemplo, los periódicos de publicación diaria, las revistas semanales o mensuales de interés general o especial y los sitios web de noticias. Las publicaciones periódicas que se publican con fines científicos o académicos, como las revistas científicas, **deberían** estar cubiertas por la protección que se brinda a las publicaciones de prensa en el marco de la presente Directiva. Esta protección no se extiende a actos de hiperenlace que no constituyan una comunicación al público.

Or. es

Justification

Las publicaciones científicas son parte de la prensa periódica pero en la propuesta están explícitamente excluidas.

Amendment 322
Sajjad Karim

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not *extend to acts of* hyperlinking which *do* not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not *include* hyperlinking which *does* not constitute communication to the public.

Or. en

Amendment 323
Sajjad Karim

Proposal for a directive
Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. *deleted*

Or. en

Amendment 324

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. *deleted*

Or. en

Amendment 325

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. *deleted*

Or. en

Amendment 326

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. ***deleted***

Or. en

Amendment 327
Jens Rohde

Proposal for a directive
Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. *deleted*

Or. en

Amendment 328

Jiří Maštálka

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. *deleted*

Or. en

Amendment 329

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. *deleted*

Or. en

Amendment 330

Pavel Svoboda

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) Práva udělená vydavatelům tiskových publikací podle této směrnice by měla mít stejný rozsah jako práva na rozmnožování a zpřístupňování veřejnosti stanovená ve směrnici 2001/29/ES, pokud jde o digitální užití. Měla by rovněž podléhat stejným ustanovením o výjimkách a omezeních, která se vztahují na práva vymezená ve směrnici 2001/29/ES, včetně výjimky týkající se citátů pro takové účely, jako je kritika nebo recenze, stanovené v čl. 5 odst. 3 písm. d) uvedené směrnice.

vypouští se

Or. cs

Amendment 331

Jean-Marie Cavada, Robert Rochefort, Joëlle Bergeron, António Marinho e Pinto

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) Les droits conférés aux éditeurs de publications de presse en vertu de la présente directive devraient avoir la même portée que les droits de reproduction et de mise à disposition du public institués ***dans*** la directive 2001/29/CE, en ce qui concerne les utilisations ***numériques***. ***Ils*** devraient en outre être soumis aux mêmes dispositions en matière d'exceptions et de limitations que celles applicables aux droits établis dans la directive 2001/29/CE, y compris l'exception de citation à des fins de critique ou de revue prévue à l'article 5, paragraphe 3, point d), de ladite directive.

Amendment

(34) Les droits conférés aux éditeurs de publications de presse ***et aux agences de presse*** en vertu de la présente directive devraient avoir la même portée que les droits de reproduction et de mise à disposition du public institués ***aux articles 2 et 3 paragraphe 2 de*** la directive 2001/29/CE, ***et aux articles 3 et 9 de la Directive 2006/115/CE*** en ce qui concerne les utilisations ***de publications de presse***. ***Les courts extraits de publications de presse lorsqu'ils sont protégés par le droit d'auteur, constituent une reproduction étant donné leur valeur économique. Leur utilisation non autorisée ne devrait donc pas être permise, à moins que ce soit dans le cadre d'un usage privé et non commercial.***

Ces droits devraient en outre être soumis aux mêmes dispositions en matière d'exceptions et de limitations que celles applicables aux droits établis dans la directive 2001/29/CE, y compris l'exception de citation à des fins de critique ou de revue prévue à l'article 5, paragraphe 3, point d), de ladite directive. ***La protection conférée aux éditeurs et agences de presse par cette directive devrait inclure le contenu généré automatiquement par les agrégateurs d'informations.***

Or. fr

Amendment 332

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) Die Rechte, die Presseverlagen auf der Grundlage dieser Richtlinie gewährt werden, sollten den gleichen Umfang haben wie die in der Richtlinie 2001/29/EG festgelegten Rechte auf Vervielfältigung und öffentliche Zugänglichmachung, ***sofern es sich um digitale Nutzungen handelt***. Sie sollten zudem denselben Bestimmungen für Ausnahmen und Beschränkungen unterliegen, die auch für die in der Richtlinie 2001/29/EG festgelegten Rechte gelten, einschließlich der Ausnahme für Zitate zu Zwecken wie Kritik oder Rezensionen gemäß Artikel 5 Absatz 3 Buchstabe d jener Richtlinie.

Amendment

(34) Die Rechte, die Presseverlagen auf der Grundlage dieser Richtlinie gewährt werden, sollten den gleichen Umfang haben wie die in der Richtlinie 2001/29/EG festgelegten Rechte auf Vervielfältigung und öffentliche Zugänglichmachung. Sie sollten zudem denselben Bestimmungen für Ausnahmen und Beschränkungen unterliegen, die auch für die in der Richtlinie 2001/29/EG festgelegten Rechte gelten, einschließlich der Ausnahme für Zitate zu Zwecken wie Kritik oder Rezensionen gemäß Artikel 5 Absatz 3 Buchstabe d jener Richtlinie. ***Der Schutz, der Presseveröffentlichungen im Rahmen dieser Richtlinie gewährt wird, sollte auch im Falle automatisch generierter Inhalte, etwa durch Nachrichtenaggregatoren, Anwendung finden.***

Or. de

Justification

Mit dieser Änderung soll sichergestellt werden, dass auch Ausschnitte (Snippets) unter das Recht für Presseverlage fallen.

Amendment 333
Kosma Złotowski

Proposal for a directive
Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***insofar as digital uses are concerned***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC ***as well as the rights of distribution and rental and lending provided for in Directive 2006/115/EC***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 334

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) Les droits conférés aux éditeurs de publications de presse en vertu de la présente directive devraient avoir la même portée que les droits de reproduction et de mise à disposition du public institués dans la directive 2001/29/CE, en ce qui concerne les utilisations numériques. Ils devraient en outre être soumis aux mêmes dispositions en matière d'exceptions et de limitations que celles applicables aux droits établis dans la directive 2001/29/CE, y compris l'exception de citation à des fins de critique ou de revue prévue à l'article 5, paragraphe 3, point d), de ladite directive.

Amendment

(34) Les droits ***possiblement*** conférés aux éditeurs de publications de presse ***par les Etats membres qui en décident*** en vertu de la présente directive devraient avoir la même portée que les droits de reproduction et de mise à disposition du public institués dans la directive 2001/29/CE, en ce qui concerne les utilisations numériques. Ils devraient en outre être soumis aux mêmes dispositions en matière d'exceptions et de limitations que celles applicables aux droits établis dans la directive 2001/29/CE, y compris l'exception de citation à des fins de critique ou de revue prévue à l'article 5, paragraphe 3, point d), de ladite directive.

Or. fr

Amendment 335
Rosa Estaràs Ferragut

Proposal for a directive
Recital 34

Text proposed by the Commission

(34) Los derechos reconocidos a las editoriales de publicaciones de prensa en virtud de la presente Directiva deben tener el mismo alcance que los derechos de reproducción y puesta a disposición del público previstos en la Directiva 2001/29/CE **en la medida en que se refieran a usos digitales**. También deben estar sujetos a las mismas disposiciones sobre excepciones y limitaciones que las aplicables a los derechos previstos en la Directiva 2001/29/CE, incluida la excepción relativa a las citas con fines tales como la crítica o la reseña a que se refiere el artículo 5, apartado 3, letra d), de dicha Directiva.

Amendment

(34) Los derechos reconocidos a las editoriales de publicaciones de prensa en virtud de la presente Directiva deben tener el mismo alcance que los derechos de reproducción y puesta a disposición del público previstos en la Directiva 2001/29/CE **y que los derechos de distribución y de alquiler y préstamo previstos en la Directiva 2006/115/EC**. También deben estar sujetos a las mismas disposiciones sobre excepciones y limitaciones que las aplicables a los derechos previstos en la Directiva 2001/29/CE, incluida la excepción relativa a las citas con fines tales como la crítica o la reseña a que se refiere el artículo 5, apartado 3, letra d), de dicha Directiva.

Or. es

Justification

La propuesta sólo otorga derechos para usos digitales, mientras que el papel del editor y la inversión del editor en las empresas editoriales es para usos impresos y digitales, independientemente del método de difusión. Otros titulares de derechos conexo gozan de los derechos completos. Al sólo conceder derechos para usos digitales parece que la edición impresa no merece el mismo nivel de protección y no tiene en cuenta la reproducción, distribución y alquiler / préstamo no autorizado, No tener derechos análogos sería similar a no cubrir DVD y CDs para los productores de películas.

Amendment 336

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Pascal Arimont

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***insofar as digital uses are concerned***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 337

Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, ***insofar as digital uses are concerned***. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 338

Jean-Marie Cavada, Robert Rochefort, Frédérique Ries, António Marinho e Pinto

Proposal for a directive

Recital 34 a (new)

Text proposed by the Commission

Amendment

(34 bis) Lors de la réutilisation des extraits par un agrégateur, l'éditeur ou l'agence de presse devrait pouvoir décider pour des motifs particuliers de lui accorder une licence gratuite.

Or. fr

Amendment 339

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

deleted

Or. en

Amendment 340

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Marietje Schaake, Judith Sargentini, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side. ***deleted***

Or. en

Amendment 341

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side. **deleted**

Or. en

Amendment 342
Jens Rohde

Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

deleted

Or. en

Amendment 343

Jiří Maštálka

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

deleted

Or. en

Amendment 344
Sajjad Karim

Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

deleted

Or. en

Amendment 345

Pavel Svoboda

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) Ochranou poskytnutou vydavatelům tiskových publikací podle této směrnice by neměla být dotčena práva autorů a jiných nositelů práv k dílům a jiným předmětům ochrany, které jsou jejich součástí, a to i pokud jde o rozsah, v jakém mohou autoři a jiní nositelé práv využívat svá díla a jiné předměty ochrany nezávisle na tiskové publikaci, jejíž jsou součástí. Proto by vydavatelé tiskových publikací neměli mít možnost dovolávat se vůči autorům a jiným nositelům práv ochrany, která jim byla poskytnuta. Tím nejsou dotčena smluvní ujednání uzavřená mezi vydavateli tiskových publikací na jedné straně a autory a jinými nositeli práv na straně druhé.

vypouští se

Or. cs

Amendment 346

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) Der Schutz, der Presseverlagen auf der Grundlage dieser Richtlinie gewährt wird, sollte die Rechte der Urheber oder sonstiger Inhaber von Rechten an den in Presseveröffentlichungen enthaltenen Werken und sonstigen Schutzgegenständen nicht beeinträchtigen, auch nicht im Hinblick auf den Umfang, in dem Urheber und sonstige Rechteinhaber ihre Werke oder sonstigen Schutzgegenstände unabhängig von der Presseveröffentlichung, in der sie enthalten sind, verwerten können. Daher sollten sich Presseverlage gegenüber Urhebern und sonstigen Rechteinhabern nicht auf den ihnen gewährten Schutz berufen können. Dies gilt unbeschadet der vertraglichen Vereinbarungen, die zwischen den Presseverlagen und den Rechteinhabern geschlossen wurden.

Amendment

(35) Der Schutz, der Presseverlagen auf der Grundlage dieser Richtlinie gewährt wird, sollte die Rechte der Urheber oder sonstiger Inhaber von Rechten an den in Presseveröffentlichungen enthaltenen Werken und sonstigen Schutzgegenständen nicht beeinträchtigen, auch nicht im Hinblick auf den Umfang, in dem Urheber und sonstige Rechteinhaber ihre Werke oder sonstigen Schutzgegenstände unabhängig von der Presseveröffentlichung, in der sie enthalten sind, verwerten können. Daher sollten sich Presseverlage gegenüber Urhebern und sonstigen Rechteinhabern nicht auf den ihnen gewährten Schutz berufen können. Dies gilt unbeschadet der vertraglichen Vereinbarungen, die zwischen den Presseverlagen und den Rechteinhabern geschlossen wurden. ***Die Mitgliedstaaten sollten sicherstellen, dass ein angemessener Anteil der Vergütung, die sich aus der Nutzung der Rechte der Presseverlage ergibt, den Journalisten, Autoren und anderen Rechteinhabern zufließt.***

Or. de

Amendment 347

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) La protection accordée aux éditeurs de publications de presse en vertu de la présente directive ne devrait pas porter atteinte aux droits des auteurs et autres titulaires de droits à l'égard des œuvres et autres objets protégés intégrés dans ces publications, notamment en ce qui concerne la mesure dans laquelle les auteurs et autres titulaires de droits peuvent exploiter leurs œuvres ou autres objets protégés indépendamment de la publication de presse dans laquelle ils sont intégrés. Par conséquent, les éditeurs de publications de presse ne devraient pas pouvoir opposer aux auteurs et autres titulaires de droits la protection qui leur est accordée. Cet élément est sans préjudice des modalités contractuelles fixées entre les éditeurs de publications de presse, d'une part, et les auteurs et autres titulaires de droits, d'autre part.

Amendment

(35) La protection accordée aux éditeurs de publications de presse ***et agences de presse*** en vertu de la présente directive ne devrait pas porter atteinte aux droits des auteurs et autres titulaires de droits à l'égard des œuvres et autres objets protégés intégrés dans ces publications, notamment en ce qui concerne la mesure dans laquelle les auteurs et autres titulaires de droits peuvent exploiter leurs œuvres ou autres objets protégés indépendamment de la publication de presse dans laquelle ils sont intégrés. Par conséquent, les éditeurs de publications de presse ***et agences de presse*** ne devraient pas pouvoir opposer aux auteurs et autres titulaires de droits la protection qui leur est accordée. Cet élément est sans préjudice des modalités contractuelles fixées entre les éditeurs de publications de presse ***ou agences de presse*** d'une part, et les auteurs et autres titulaires de droits, d'autre part.

Or. fr

Amendment 348

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) La protection accordée aux éditeurs de publications de presse en vertu de la présente directive ne devrait pas porter atteinte aux droits des auteurs et autres titulaires de droits à l'égard des œuvres et autres objets protégés intégrés dans ces publications, notamment en ce qui concerne la mesure dans laquelle les auteurs et autres titulaires de droits peuvent exploiter leurs œuvres ou autres objets protégés indépendamment de la publication de presse dans laquelle ils sont intégrés. Par conséquent, les éditeurs de publications de presse ne devraient pas pouvoir opposer aux auteurs et autres titulaires de droits la protection qui leur est accordée. Cet élément est sans préjudice des modalités contractuelles fixées entre les éditeurs de publications de presse, d'une part, et les auteurs et autres titulaires de droits, d'autre part.

Amendment

(35) La protection accordée aux éditeurs de publications de presse ***par les Etats membres qui le souhaitent*** en vertu de la présente directive ne devrait pas porter atteinte aux droits des auteurs et autres titulaires de droits à l'égard des œuvres et autres objets protégés intégrés dans ces publications, notamment en ce qui concerne la mesure dans laquelle les auteurs et autres titulaires de droits peuvent exploiter leurs œuvres ou autres objets protégés indépendamment de la publication de presse dans laquelle ils sont intégrés. Par conséquent, les éditeurs de publications de presse ne devraient pas pouvoir opposer aux auteurs et autres titulaires de droits la protection qui leur est accordée. Cet élément est sans préjudice des modalités contractuelles fixées entre les éditeurs de publications de presse, d'une part, et les auteurs et autres titulaires de droits, d'autre part.

Or. fr

Amendment 349
Jens Rohde

Proposal for a directive
Recital 36

Text proposed by the Commission

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place. **deleted**

Or. en

Amendment 350

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 36

Text proposed by the Commission

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place. **deleted**

Or. en

Amendment 351
Julia Reda

Proposal for a directive
Recital 36

Text proposed by the Commission

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

deleted

Or. en

Amendment 352

Jiří Maštálka

Proposal for a directive

Recital 36

Text proposed by the Commission

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place. **deleted**

Or. en

Amendment 353

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Amendment

(36) Publishers, including those of press publications, books, **music** or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. **In other cases, they operate based on agreements where authors grant a right to claim a share of the income.** In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred, **assigned** or licensed his rights, **including the right to claim a share of income,** to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.

Or. en

Amendment 354

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) Les éditeurs, y compris ceux de publications de presse, de livres **ou** de publications scientifiques, s'appuient souvent sur la cession de droits d'auteur dans le cadre d'accords contractuels ou de dispositions statutaires. Dans ce contexte, ils réalisent un investissement en vue d'exploiter les œuvres contenues dans leurs publications et peuvent, dans certains cas, être privés de revenus lorsque ces œuvres sont utilisées en vertu d'exceptions ou de limitations comme celles relatives à la copie privée et à la reprographie. Dans un certain nombre d'États membres, les auteurs et les éditeurs se partagent la compensation prévue pour les utilisations relevant de ces exceptions. Afin de tenir compte de cette situation et d'améliorer la sécurité juridique pour toutes les parties concernées, les États membres devraient être autorisés à prévoir que, lorsqu'un auteur a cédé ou accordé sous licence ses droits à un éditeur ou contribue par ses œuvres à une publication et qu'il existe des systèmes pour compenser le manque à gagner causé par une exception ou limitation, les éditeurs sont en droit de réclamer une part de cette compensation, la charge pesant sur eux pour étayer leur réclamation ne devant pas excéder ce qui est nécessaire en vertu du système en place.

Amendment

(36) **Les agences de presses**, les éditeurs, y compris ceux de publications de presse, de livres **et** de publications scientifiques s'appuient souvent sur la cession de droits d'auteur dans le cadre d'accords contractuels ou de dispositions statutaires. Dans ce contexte, ils réalisent un investissement en vue d'exploiter les œuvres contenues dans leurs publications et peuvent, dans certains cas, être privés de revenus lorsque ces œuvres sont utilisées en vertu d'exceptions ou de limitations comme celles relatives à la copie privée et à la reprographie. Dans un certain nombre d'États membres, les auteurs et les éditeurs se partagent la compensation prévue pour les utilisations relevant de ces exceptions. Afin de tenir compte de cette situation et d'améliorer la sécurité juridique pour toutes les parties concernées, les États membres devraient être autorisés à prévoir que, lorsqu'un auteur a cédé ou accordé sous licence ses droits à un éditeur ou **une agence de presse ou** contribue par ses œuvres à une publication et qu'il existe des systèmes pour compenser le manque à gagner causé par une exception ou limitation, les éditeurs **et agences de presse** sont en droit de réclamer une part de cette compensation, la charge pesant sur eux pour étayer leur réclamation ne devant pas excéder ce qui est nécessaire en vertu du système en place.

Or. fr

Amendment 355

Sajjad Karim

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, ***whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.***

Amendment

(36) Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation.

Or. en

Amendment 356

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) Verlage, einschließlich solcher, die Presseveröffentlichungen, Bücher **oder** wissenschaftliche Veröffentlichungen verlegen, arbeiten häufig auf der Grundlage vertraglicher Vereinbarungen oder gesetzlicher Bestimmungen über die Übertragung von Urheberrechten. Dies stellt eine Investition der Verlage im Hinblick auf die Verwertung der in ihren Veröffentlichungen enthaltenen Werke dar, so dass ihnen unter Umständen Einnahmen entgehen, wenn diese Werke im Rahmen von Ausnahmen oder Beschränkungen, etwa für die Vervielfältigung zu privaten Zwecken und die Reproduktion, genutzt werden. In einigen Mitgliedstaaten wird der für diese Ausnahmen gewährte Ausgleich auf die Urheber und Verlage aufgeteilt. Um dieser Situation Rechnung zu tragen und um die Rechtssicherheit für alle Beteiligten zu erhöhen, sollten die Mitgliedstaaten festlegen können, dass für den Fall, dass ein Urheber seine Rechte an einen Verlag übertragen, diesem eine Lizenz erteilt oder anderweitig mit seinen Werken zu einer Veröffentlichung beigetragen hat, und soweit Systeme bestehen, um den durch eine Ausnahme oder Beschränkung entstandenen Schaden auszugleichen, Verlage das Recht erhalten, einen Anteil an dieser Ausgleichsleistung zu fordern, wobei dem Verlag kein größerer Aufwand für die Begründung seiner Ansprüche entstehen darf als nach dem geltenden System.

Amendment

(36) Verlage, einschließlich solcher, die Presseveröffentlichungen, Bücher, wissenschaftliche Veröffentlichungen **oder Musikwerke** verlegen, arbeiten häufig auf der Grundlage vertraglicher Vereinbarungen oder gesetzlicher Bestimmungen über die Übertragung von Urheberrechten. Dies stellt eine Investition der Verlage im Hinblick auf die Verwertung der in ihren Veröffentlichungen enthaltenen Werke dar, so dass ihnen unter Umständen Einnahmen entgehen, wenn diese Werke im Rahmen von Ausnahmen oder Beschränkungen, etwa für die Vervielfältigung zu privaten Zwecken und die Reproduktion, genutzt werden. In einigen Mitgliedstaaten wird der für diese Ausnahmen gewährte Ausgleich auf die Urheber und Verlage aufgeteilt. Um dieser Situation Rechnung zu tragen und um die Rechtssicherheit für alle Beteiligten zu erhöhen, sollten die Mitgliedstaaten festlegen können, dass für den Fall, dass ein Urheber seine Rechte an einen Verlag übertragen, diesem eine Lizenz erteilt oder anderweitig mit seinen Werken zu einer Veröffentlichung beigetragen hat, und soweit Systeme bestehen, um den durch eine Ausnahme oder Beschränkung entstandenen Schaden auszugleichen, Verlage das Recht erhalten, einen Anteil an dieser Ausgleichsleistung zu fordern, wobei dem Verlag kein größerer Aufwand für die Begründung seiner Ansprüche entstehen darf als nach dem geltenden System.

Or. de

Amendment 357

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) In its ruling in Case 174/15 (VOB vs Stichting Leenrecht), the Court of Justice recognised that the lending of e-books can fall under the same rules as the lending of physical books. When Member States apply the limitation to copyright under Article 6 of the rental and Lending Directive, libraries are able to buy any physical book on the market. Once purchased, they can lend it without restrictions linked to contract terms or other measures of protection which prevent the exercise of exceptions and limitations to copyright. These provisions should also apply to e-books.

Moreover, with the objective of ensuring that all citizens of the European Union have access to a full selection of books and other resources, all Member States should ensure that the limitation to the exclusive public lending right in Article 6 of the Rental and Lending Directive is mandatory.

Or. en

Amendment 358

Jean-Marie Cavada, Robert Rochefort, Frédérique Ries, António Marinho e Pinto

Proposal for a directive

Recital 36 a (new)

Text proposed by the Commission

Amendment

***(36 bis) L'obligation de conclure des licences
devrait aussi s'appliquer aux agrégateurs
d'information.***

Or. fr

Amendment 359

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 37

Text proposed by the Commission

Amendment

***(37) Over the last years, the functioning of the deleted
online content marketplace has gained in
complexity. Online services providing access to
copyright protected content uploaded by their
users without the involvement of right holders
have flourished and have become main
sources of access to content online. This
affects rightholders' possibilities to determine
whether, and under which conditions, their
work and other subject-matter are used as well
as their possibilities to get an appropriate
remuneration for it.***

Or. en

Amendment 360
Rosa Estaràs Ferragut

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) En los últimos años, el funcionamiento **del mercado de contenidos en línea** ha adquirido mayor complejidad. Los servicios en línea que facilitan acceso a contenidos protegidos por derechos de autor cargados por sus usuarios sin intervención de los titulares de los derechos se han generalizado, convirtiéndose en las principales fuentes de acceso a los contenidos en línea. Esta situación reduce las posibilidades de que los titulares de derechos averigüen si sus obras y otras prestaciones se están utilizando y en qué condiciones, así como sus posibilidades de obtener una remuneración adecuada por ese uso.

Amendment

(37) **La evolución de las tecnologías digitales ha conducido al surgimiento de nuevos modelos de negocio y ha reforzado el papel de Internet como mercado principal para la distribución y acceso a contenidos protegidos por derechos de autor.** En los últimos años, el funcionamiento **de este mercado** ha adquirido mayor complejidad. Los servicios en línea que facilitan acceso a contenidos protegidos por derechos de autor cargados por sus usuarios sin intervención de los titulares de los derechos se han generalizado, convirtiéndose en las principales fuentes de acceso a los contenidos en línea. Esta situación reduce las posibilidades de que los titulares de derechos averigüen si sus obras y otras prestaciones se están utilizando y en qué condiciones, así como sus posibilidades de obtener una remuneración adecuada por ese uso. **El sector creativo contribuye de manera significativa, tanto económica como culturalmente, a la fortaleza de la Unión y la importancia de este sector ha sido reconocida desde hace tiempo por la legislación de la Unión, incluida la Directiva 2001/29/CE, que garantiza un marco en el que puedan tener lugar la explotación de obras y otros tipos de material protegido. Las dificultades a las que se enfrentan los titulares de derechos cuando pretenden conceder licencias de sus derechos a determinados proveedores de servicios en línea y recibir una remuneración por la distribución en línea de sus obras y su contenido pueden poner en peligro dicho objetivo. Para mantener un alto nivel de protección que permita a los sectores creativos seguir contribuyendo cultural y económicamente a la Unión, es necesario garantizar la seguridad jurídica tanto para los titulares de derechos como para los usuarios de obras y objetos protegidos, y que los titulares de derechos puedan negociar licencias de derechos de autor con los prestadores de servicios de**

contenidos cargados por usuarios, que distribuyan dichos contenidos.

Or. es

Justification

Se pretende explicar con más detalle el contexto y la necesidad de disposiciones que tengan por objeto proporcionar un marco legislativo adecuado para acuerdos de licencias entre los titulares de derechos y los servicios de la UUC para el uso del contenido de derechos de autor

Amendment 361
Luis de Grandes Pascual

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) *Evolution of digital technologies has led to the emergence of new business models and reinforced the role of the Internet as the main marketplace for the distribution of and access to copyright-protected content.* Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

The creative sector contributes significantly both economically and culturally to the strength of the Union, and the importance of the sector has long been recognised by Union law including Directive 2001/29/EC, which aims to guarantee a framework wherein the exploitation of works and other protected subject-matter can take place. Difficulties faced by rightholders when seeking to license their rights to certain online services and be remunerated for the online distribution of their works and subject matter risks undermining that aim. To uphold a high level of protection that enables the creative sectors to continue to contribute culturally and economically to the Union it is necessary to ensure that legal certainty is provided both for rightholders and users of protected works and subject-matter and that rightholders are able to negotiate copyright licenses with user – uploaded content services that distribute their content.

Or. en

Justification

To explain in more detail the context and the need for provisions that aim to provide an adequate legislative environment for concluding licenses between right holders and UUC services for use of copyright content.

Amendment 362

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it. ***As a result this transfer of value undermines the efficiency of the online market, distorts competition and drives down the overall value of cultural content online. It also limits consumer choice for new and innovative legitimate services in the European Digital Single Market and puts at risk cultural and creative industries.***

Or. en

Amendment 363
Daniel Buda

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) În ultimii ani, funcționarea **pieței conținuturilor online** a devenit din ce în ce mai complexă. Serviciile online care oferă acces la conținuturi protejate prin drept de autor care sunt încărcate de către utilizatorii lor fără implicarea titularilor drepturilor s-au înmulțit și au devenit principalele surse de acces la conținuturile online. Această situație afectează posibilitățile titularilor de drepturi de a stabili dacă și în ce condiții opera lor și alte obiecte protejate sunt utilizate, precum și posibilitățile lor de a obține o remunerație adecvată pentru utilizarea respectivă.

Amendment

(37) **Evoluția tehnologiilor digitale a determinat apariția unor noi modele de afaceri și a consolidat rolul internetului de principală piață pentru distribuirea și accesarea conținutului protejat prin drepturi de autor.** În ultimii ani, funcționarea **acestei piețe** a devenit din ce în ce mai complexă. Serviciile online care oferă acces la conținuturi protejate prin drept de autor care sunt încărcate de către utilizatorii lor fără implicarea titularilor drepturilor s-au înmulțit și au devenit principalele surse de acces la conținuturile online. Această situație afectează posibilitățile titularilor de drepturi de a stabili dacă și în ce condiții opera lor și alte obiecte protejate sunt utilizate, precum și posibilitățile lor de a obține o remunerație adecvată pentru utilizarea respectivă.

Or. ro

Amendment 364

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) In den letzten Jahren wurde der Markt für Online-Inhalte immer komplexer. Online-Dienste, die Zugang zu urheberrechtlich geschützten Inhalten bieten, die von ihren Nutzern ohne Einbeziehung der Rechteinhaber hochgeladen wurden, haben sich ausgeweitet und wurden zur Hauptquelle für den Zugriff auf Online-Inhalte. Dies schränkt die Rechteinhaber in ihren Möglichkeiten ein, festzustellen, ob und unter welchen Umständen ihr Werk oder sonstiger Schutzgegenstand verwendet wird, und eine angemessene Vergütung zu erhalten.

Amendment

(37) In den letzten Jahren wurde der Markt für Online-Inhalte immer komplexer. Online-Dienste, die Zugang zu urheberrechtlich geschützten Inhalten bieten, die von ihren Nutzern ohne Einbeziehung der Rechteinhaber hochgeladen wurden, haben sich ausgeweitet und wurden zur Hauptquelle für den Zugriff auf Online-Inhalte. ***Dadurch erzielen die Online-Dienste häufig Gewinne durch Inhalte, deren Urheber sie nicht sind, wobei die Gewinne nicht immer gerecht mit den jeweiligen Urhebern geteilt werden.*** Dies schränkt die Rechteinhaber in ihren Möglichkeiten ein, festzustellen, ob und unter welchen Umständen ihr Werk oder sonstiger Schutzgegenstand verwendet wird, und eine angemessene Vergütung zu erhalten.

Or. de

Amendment 365

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the *last* years, *the functioning of the online content marketplace has gained in complexity*. Online services *providing access to copyright protected content uploaded by their users without the involvement of right holders* have flourished and have become *main* sources of access to content online. *This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.*

Amendment

(37) Over the years, online services *enabling users to upload works and to make them accessible to the public* have flourished and have become *important* sources of access to content online *and of creativity*. *At the same time, when protected content is uploaded without prior authorisation from right holders, they have generated challenges.*

Or. en

Amendment 366

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Recital 37

Text proposed by the Commission

Amendment

(37) ***Over the last years, the functioning of the online content marketplace has gained in complexity.*** Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. ***This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.***

(37) Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online, ***allowing for diversity and creation of new content, while stimulating the revenues of the creative sector to grow in the digital environment.***

Or. en

Amendment 367
Antanas Guoga, Eva Maydell

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become **main** sources of access to content online. ***This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.***

Amendment

(37) ***Especially*** over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become ***important*** sources of ***easy*** access to content online, ***also causing challenges when copyright protected content is uploaded without prior authorization from rightholders.***

Or. en

Amendment 368

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. **Active** online services providing access to copyright protected **digital** content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to **copyright protected** content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Or. en

Amendment 369

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services ***providing access to*** copyright protected content uploaded by their users without the involvement of right holders have flourished and have become ***main*** sources of access to content online. ***This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.***

Amendment

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services ***hosting*** copyright protected content uploaded by their users without the involvement of right holders have flourished and have become ***important*** sources of access to content online ***allowing for diversity and ease of access to content but also generating challenges when copyright protected content is uploaded without prior authorisation from rightholders.***

Or. en

Amendment 370

Virginie Rozière, Mary Honeyball, Christian Ehler, Robert Rochefort, Bogdan Brunon Wenta, Tadeusz Zwiefka, Jean-Marie Cavada, Angelika Niebler, Pervenche Berès, Milan Zver, Christine Revault D'Allonnes Bonnefoy, Giorgos Grammatikakis, Sylvie Guillaume, Luigi Morgano, Constance Le Grip, Mady Delvaux

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) Despite the fact that more creative content is being consumed today than ever before, on services such as user-uploaded content platforms and content aggregation services, yielding significant profits, the creative sectors have not seen a comparable increase in revenues from this increase in consumption. The value of cultural and creative works has been diverted away from the authors, artists, producers and others rights holders, generating an unsustainable "value gap". This transfer of value, due to the lack of clarity regarding the status of these online services under copyright and e-commerce law, undermines the efficiency of the online market, distorts competition and drives down the overall value of cultural content online. It also limits consumer choice for new and innovative legitimate services in the European Digital Single Market and puts at risk cultural and creative industries that create significant jobs and growth for EU economy, as underlined by the European Parliament resolution of 13 December 2016 on a "coherent EU policy for cultural and creative industries (2016/2072(INI))"

Or. en

Amendment 371
Daniel Buda

Proposal for a directive
Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) Sectorul creativ contribuie în mod semnificativ, atât economic, cât și cultural la consolidarea puterii Uniunii, iar importanța acestui sector a fost mult timp recunoscută de dreptul Uniunii, inclusiv în Directiva 2001/29/CE, care urmărește să garanteze un cadru legislativ în care poate avea loc exploatarea operelor și a altor obiecte protejate. Titularii de drepturi de autor se confruntă, adesea, cu dificultăți, atunci când încearcă să încheie licențe cu privire la drepturile lor cu anumiți furnizori de servicii on-line și să fie remunerați pentru distribuirea online a operelor lor, aspect care riscă să le submineze activitatea. Pentru a menține un nivel ridicat de protecție care permite sectorului creativ să continue să contribuie în mod cultural și economic la consolidarea Uniunii, este necesar să se asigure că securitatea juridică este garantată atât pentru titularii de drepturi, cât și pentru utilizatorii de opere protejate și că titularii de drepturi sunt în măsură să negocieze licențele de drepturi de autor cu furnizorii de servicii de conținut care distribuie conținutul lor.

Or. ro

Amendment 372

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) The creative sector contributes significantly both economically and culturally to the strength of the Union, and the importance of the sector has long been recognised by European Union legislation including Directive 2001/29/EC, which aims to guarantee a framework wherein the exploitation of works or other protected subject-matter can take place. The difficulties faced by rightholders when seeking to license their rights to certain online services and to receive remuneration for the online distribution of their works or other subject matter risk undermining that aim. To uphold a high level of protection that enables the creative sectors to continue to contribute culturally and economically to the Union it is necessary to ensure that legal certainty is provided both for rightholders and users of protected works or other subject-matter and that rightholders are able to negotiate copyright licenses with user – uploaded content services that distribute their content.

Or. en

Amendment 373
Rosa Estaràs Ferragut

Proposal for a directive
Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 bis) Los servicios de contenidos cargados por usuarios atraen a los usuarios y obtienen un valor económico por proporcionar acceso a obras y otras prestaciones protegidas, a menudo incluyendo la optimización de su presentación, su organización y promoción. Al hacerlo, estos servicios compiten directamente con proveedores de contenidos amparados por una licencia por los mismos usuarios y beneficios. No obstante, a diferencia de los servicios amparados por una licencia, estos servicios de contenidos cargados por usuarios no pagan ninguna remuneración, o pagan una remuneración muy baja, a los creadores, por las obras en las que se basan sus modelos de negocio, amparándose de forma indebida en las disposiciones sobre puertos seguros de la Directiva 2000/31/CE del Parlamento Europeo y del Consejo.

Or. es

Amendment 374

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) Heute werden mehr kreative Inhalte konsumiert als je zuvor. Dies geschieht meist mittels Plattformdiensten, bei denen die Inhalte von Nutzern hochgeladen werden, oder mittels „Content Aggregation“-Diensten. Gleichzeitig sind die Einnahmen für die Kreativwirtschaft nicht annähernd im gleichen Maße gestiegen. Dadurch ist eine sogenannte „Wertschöpfungslücke“ ("Value Gap") entstanden: Plattformdienste behalten den Wert kultureller und kreativer Arbeiten ein, der den Urhebern entgeht. Der Werttransfer hat zu einem ineffizienten und unfairen Markt geführt und bedroht die langfristige Solidität der Kreativwirtschaft in der Union und den Erfolg des digitalen Binnenmarkts.

Or. de

Amendment 375

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, Frédérique Ries, Christian Ehler, António Marinho e Pinto

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 bis) Il devrait être clairement pris en compte que le régime d'exemption de responsabilité ne s'applique pas aux services qui jouent un rôle actif dans la mise en ligne des oeuvres et autres objets protégés du public. En conséquence, les service UUC qui accomplissent des actes de communication au public au travers de leur intervention indispensable à la communication au public et initiée par les personnes qui chargent le contenu ne sont pas couverts par la directive 2000/31/CE s'agissant du droit d'auteur et sont donc soumis aux règles de la directive 2001/29/CE à l'instar des fournisseurs de services de contenu numérique.

Or. fr

Amendment 376

Virginie Rozière, Mary Honeyball, Christian Ehler, Robert Rochefort, Bogdan Brunon Wenta, Tadeusz Zwiefka, Jean-Marie Cavada, Angelika Niebler, Pervenche Berès, Milan Zver, Christine Revault D'Allonnes Bonnefoy, Giorgos Grammatikakis, Sylvie Guillaume, Luigi Morgano, Constance Le Grip, Mady Delvaux

Proposal for a directive

Recital 37 b (new)

Text proposed by the Commission

Amendment

(37 b) Digital platforms are means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models; consideration is to be made of how this process can function with more legal certainty and fairness and respect for right holders; importance of transparency and of ensuring a level playing field is necessary; in this regard, protection of right holders within the copyright and intellectual property framework is necessary in order to ensure recognition of values and stimulation of innovation, creativity, investment, to guarantee the success of a Digital Single Market, offering all diverse and quality cultural and creative works.

Or. en

Amendment 377

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 37 b (new)

Text proposed by the Commission

Amendment

(37 b) Digitale Plattformen dienen dazu, einen breiteren Zugang zu kulturellen und kreativen Werken zu schaffen. Sie bieten der Kultur- und Kreativwirtschaft großartige Möglichkeiten, neue Geschäftsmodelle zu entwickeln. Daher sollte geprüft werden, wie dieser Prozess mit mehr Rechtssicherheit und Achtung der Rechteinhaber einhergehen kann. Es ist äußerst wichtig, für Transparenz und faire Wettbewerbsbedingungen zu sorgen. Der Schutz der Rechteinhaber im Rahmen des Urheberrechts und der Rechte des geistigen Eigentums ist erforderlich, um die Anerkennung von Werten sicherzustellen und Innovation, Kreativität, Investitionen und die Produktion von Inhalten zu stimulieren.

Or. de

Amendment 378
Rosa Estaràs Ferragut

Proposal for a directive
Recital 37 b (new)

Text proposed by the Commission

Amendment

(37 ter) Esta transferencia de valor debilita la eficacia del mercado en línea, distorsiona la competencia y disminuye el valor en general de los contenidos culturales en línea. También reduce las posibilidades de elección por parte de los consumidores de nuevos y legítimos servicios innovadores en el Mercado único digital europeo, poniendo en peligro a la industria cultural y creativa que contribuye de manera sustancial a la generación de empleo y al crecimiento, tal y como se puso de relieve en la Resolución del Parlamento Europeo, de 13 de diciembre de 2016, sobre una política de la Unión coherente para los sectores cultural y creativo (2016/2072(INI)).

Or. es

Amendment 379

Virginie Rozière, Mary Honeyball, Christian Ehler, Robert Rochefort, Bogdan Brunon Wenta, Tadeusz Zwiefka, Jean-Marie Cavada, Angelika Niebler, Pervenche Berès, Milan Zver, Christine Revault D'Allonnes Bonnefoy, Giorgos Grammatikakis, Sylvie Guillaume, Luigi Morgano, Constance Le Grip

Proposal for a directive

Recital 37 c (new)

Text proposed by the Commission

Amendment

(37 c) This is why liability exemptions can only apply to genuinely neutral and passive online service providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators.

Or. en

Amendment 380

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Recital 38

Text proposed by the Commission

Amendment

(38)

deleted

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Amendment 381

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 38

Text proposed by the Commission

Amendment

(38)

deleted

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 382

Jiří Maštálka

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴. **deleted**

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 383

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴. *deleted*

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 384

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Lorsque les prestataires de services de la société de l'information stockent et proposent au public des œuvres ou autres objets protégés par le droit d'auteur chargés par leurs utilisateurs, allant ainsi au-delà de la simple fourniture d'équipements et ***de l'acte*** de communication au public, ils sont tenus de conclure des contrats de licence avec les titulaires de droits, à moins de pouvoir bénéficier de l'exemption de responsabilité prévue à l'article 14 de la directive n° 2000/31/CE du Parlement européen et du Conseil³⁴.

Amendment

Lorsque les prestataires de services de la société de l'information stockent et proposent au public des œuvres ou autres objets protégés par le droit d'auteur chargés par leurs utilisateurs, allant ainsi au-delà de la simple fourniture d'équipements et ***effectuant un acte de reproduction, ainsi qu'un acte*** de communication au public ***y compris la mise à disposition dont le processus a démarré avec le chargement des œuvres et autres objets protégés par leurs utilisateurs***, ils sont tenus de conclure des contrats de licence avec les titulaires de droits ***qui le demandent pour les droits de reproduction et de communication au public***, à moins de pouvoir bénéficier de l'exemption de responsabilité prévue à l'article 14 de la directive n° 2000/31/CE du Parlement européen et du Conseil³⁴.

En ce qui concerne l'exception de responsabilité prévue à l'article 14, il y a lieu de vérifier si le prestataire de services joue un rôle actif, notamment en optimisant à des fins de sélection, de catégorisation ou d'agrégation des contenus protégés mis en ligne ou en assurant leur promotion ou leur recommandation indépendamment de la nature des moyens employés à ces fins.

Lorsqu'un prestataire de service joue un rôle actif il ne peut être éligible à l'exemption de responsabilité prévue à l'article 14 de la directive 2000/31/CE.

Sauf s'ils agissent à titre professionnel, la responsabilité des utilisateurs des services pour les actes relevant du droit d'auteur est couverte par les contrats de licences conclus par les ayants droit avec les prestataires de services.

³⁴ Directive 2000/31/CE du Parlement européen et du Conseil du 8 juin 2000 relative à certains aspects juridiques des services de la société de l'information, et notamment du commerce électronique, dans le marché intérieur (JO L 178 du 17.7.2000, p. 1).

³⁴ Directive 2000/31/CE du Parlement européen et du Conseil du 8 juin 2000 relative à certains aspects juridiques des services de la société de l'information, et notamment du commerce électronique, dans le marché intérieur (JO L 178 du 17.7.2000, p. 1).

Or. fr

Amendment 385

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers ***store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they*** are obliged to ***conclude licensing agreements with rightholders, unless they are*** eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Where ***an*** information society service ***is provided that consists of the storage of information provided by a recipient of the service and providers of the service enable users to upload works in such a way as to make them available to the public and obtains knowledge after receiving notification by the rightholders that the work is used in an unauthorised manner and subject to copyright and related rights, those providers*** are obliged to ***take that content down in order to be*** eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. ***However, it is in the interests of all parties involved that the content remain online. Therefore, the possibility of concluding a licensing agreement between rightholders and the service providers on fair and reasonable terms for that purpose should be enabled.***

In order to ensure that notifications of works subject to copyright and related rights are valid, rightholders should provide service providers with an accurate identification of both the protected works and the uploaded content deemed to be unauthorised, including its exact location. To prevent misuses or abuses of notifications, and protect freedom of information and expression and the limitations and exceptions to copyright law, users should have access to redress and complaint mechanisms.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment 386

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store ***and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council***³⁴.

Amendment

Where information society service providers ***that store information provided by a recipient of the service conduct licencing agreements with rightholders on a voluntary basis, the users' fundamental rights to privacy, freedom of expression and freedom of information are often not sufficiently taken into account and their ability to assert their right of use under an exception or limitation is often unjustly curtailed by the measures put in place as part of those licencing agreements. In order to correct this situation and provide legal certainty to users who are exercising their right of use under an exception or limitation that exists under national law in the country in which the use is made, a legal framework governing those licencing agreements is necessary. In order to protect fundamental rights and improve legal certainty for all concerned parties in light of the case law of the Court of Justice of the European Union, it is necessary that any agreements on measures between rightholders and information society service providers do not impose a general obligation on information society service providers to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.***³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment 387
Rosa Estaràs Ferragut

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

Cuando los proveedores de servicios de la sociedad de la información almacenan y facilitan el acceso público a obras u otras prestaciones protegidas por derechos de autor cargadas por sus usuarios, **actividad que** no se **limita** a la mera puesta a disposición de instalaciones materiales y **constituye un** acto de comunicación al público, están obligados a suscribir acuerdos de licencia con los titulares de derechos, a menos que puedan acogerse a la exención de responsabilidad prevista en el artículo 14 de la Directiva 2000/31/CE del Parlamento Europeo y del Consejo³⁴.

³⁴ Directiva 2000/31/CE del Parlamento Europeo y del Consejo, de 8 de junio de 2000, relativa a determinados aspectos jurídicos de los servicios de la sociedad de la información, en particular el comercio electrónico en el mercado interior (DO L 178 de 17.7.2000, pp. 1-16).

Amendment

Los proveedores de servicios de la sociedad de la información almacenan y facilitan el acceso público a obras u otras prestaciones protegidas por derechos de autor cargadas por sus usuarios, no se **limitan** a la mera puesta a disposición de instalaciones materiales y, **por tanto, intervienen en el** acto de comunicación al público **que se origina por sus usuarios que cargan dichas obras y otras prestaciones protegidas. Dichos proveedores de servicios** están obligados a suscribir acuerdos de licencia con los titulares de derechos, **en relación con los derechos de comunicación al público y de reproducción**, a menos que puedan acogerse a la exención de responsabilidad prevista en el artículo 14 de la Directiva 2000/31/CE del Parlamento Europeo y del Consejo³⁴. **Con el fin de proporcionar seguridad jurídica a los usuarios individuales, las licencias concedidas a dichos proveedores de servicios han de cubrir la responsabilidad de los actos pertinentes de sus usuarios, siempre que estos no intervengan de forma profesional.**

³⁴ Directiva 2000/31/CE del Parlamento Europeo y del Consejo, de 8 de junio de 2000, relativa a determinados aspectos jurídicos de los servicios de la sociedad de la información, en particular el comercio electrónico en el mercado interior (DO L 178 de 17.7.2000, pp. 1-16).

Or. es

Justification

Las plataformas UUC realizan actos de comunicación al público mediante su intervención en los actos de comunicación al público que efectúan sus usuarios. Se requiere aclarar la redacción para evitar que los puertos seguros puedan ser aplicados a las plataformas UUC que tienen un papel activo en la puesta a disposición del público de las obras conforme a una correcta interpretación de la Directiva de Comercio electrónico. La licencia otorgada a la plataforma cubre las subidas que efectúan los usuarios, para garantizar la máxima seguridad jurídica, cuando no haya fines profesionales.

Amendment 388

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Theresa Griffin, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Silvia Costa

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and *performing an* act of communication to the public, *they are* obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and *intervening in the* act of communication to the public, *initiated by their users uploading such works and other subject matter. These service providers are thus* obliged to conclude licensing agreements with rightholders *both for the communication to the public and reproductions rights in which they play an indispensable role*, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴. *In order to provide legal certainty for users, the authorization granted to these service providers shall cover the liability of their users for the relevant copyright acts, when the user is acting on a non-commercial basis.*

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment 389

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Speichern Diensteanbieter der Informationsgesellschaft urheberrechtlich geschützte Werke oder sonstige Schutzgegenstände, die von ihren Nutzern hochgeladen wurden, oder machen sie diese öffentlich zugänglich und gehen damit über die bloße Bereitstellung der physischen Einrichtungen hinaus und führen sie damit eine Handlung der öffentlichen Wiedergabe durch, sind sie zum Abschluss von Lizenzvereinbarungen mit den Rechteinhabern verpflichtet, sofern sie nicht unter den Haftungsausschluss nach Artikel 14 der Richtlinie 2000/31/EG des Europäischen Parlaments und des Rates fallen³⁴.

Amendment

Speichern Diensteanbieter der Informationsgesellschaft urheberrechtlich geschützte Werke oder sonstige Schutzgegenstände, die von ihren Nutzern hochgeladen wurden, oder machen sie diese öffentlich zugänglich und gehen damit über die bloße Bereitstellung der physischen Einrichtungen hinaus und führen sie damit eine Handlung der öffentlichen Wiedergabe **und eine Handlung der Vervielfältigung** durch, sind sie zum Abschluss von Lizenzvereinbarungen mit den Rechteinhabern verpflichtet, **um die berechtigten Interessen der Rechteinhaber zu schützen**, sofern sie nicht unter den Haftungsausschluss nach Artikel 14 der Richtlinie 2000/31/EG des Europäischen Parlaments und des Rates fallen³⁴. **Dieser Haftungsausschluss kann jedoch nur für vollständig neutrale und passive Anbieter von Onlinediensten gelten, wie sie in der Richtlinie über den elektronischen Geschäftsverkehr und in der Rechtsprechung des EuGH definiert sind, und nicht für Dienste, die eine aktive Rolle bei der Verteilung, Förderung und Verwertung von Inhalten auf Kosten der Kulturschaffenden spielen.**

³⁴ Richtlinie 2000/31/EG des Europäischen Parlaments und des Rates vom 8. Juni 2000 über bestimmte rechtliche Aspekte der Dienste der Informationsgesellschaft, insbesondere des elektronischen Geschäftsverkehrs, im Binnenmarkt (ABl. L 178 vom 17.7.2000, S. 1).

³⁴ Richtlinie 2000/31/EG des Europäischen Parlaments und des Rates vom 8. Juni 2000 über bestimmte rechtliche Aspekte der Dienste der Informationsgesellschaft, insbesondere des elektronischen Geschäftsverkehrs, im Binnenmarkt (ABl. L 178 vom 17.7.2000, S. 1).

Amendment 390

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Josef Weidenholzer

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public *to* copyright ***protected*** works ***or other subject-matter*** uploaded by their users, ***thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council***³⁴.

Amendment

Where information society service providers store and provide access to the public copyright works uploaded by their users, ***they should conclude agreements with rightholders that ensure appropriate remuneration for authors, unless they are qualified for the liability exemptions provided in Articles 12, 13, 14 and 15 of Directive 2000/31/EC. Such agreements should take into consideration the interests of authors, performers, all end-users and information society services.***

To avoid multiple licensing for the use of the same work on the same information society service providers, which would lead to fragmentation of the Digital Single Market, rightholders should offer a single agreement or license covering the relevant copyrighted works and should offer pan-European licence for the use of their work covered by this recital.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment 391
Daniel Buda

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

În cazul în care furnizorii de servicii ale societății informaționale stochează opere sau alte obiecte protejate prin drept de autor încărcate de utilizatorii lor și oferă publicului acces la acestea, depășind astfel simpla furnizare a instalațiilor fizice și realizând un act de comunicare publică, aceștia au obligația de a încheia contracte de licență cu titularii de drepturi, cu excepția cazului în care îndeplinesc condițiile pentru exonerarea de răspundere prevăzută la articolul 14 din Directiva 2000/31/CE a Parlamentului European și a Consiliului³⁴.

Amendment

În cazul în care furnizorii de servicii ale societății informaționale stochează, **indexează, clasifică** opere sau alte obiecte protejate prin drept de autor încărcate de utilizatorii lor și oferă publicului acces la acestea, depășind astfel simpla furnizare a instalațiilor fizice și realizând un act de comunicare publică **sau de punere la dispoziția publicului, după caz**, aceștia au obligația de a încheia contracte de licență cu titularii de drepturi **sau de a preveni disponibilitatea neautorizată privind operele sau alte obiecte protejate prin drepturi de autor care sunt oferite prin serviciile lor**, cu excepția cazului în care îndeplinesc condițiile pentru exonerarea de răspundere prevăzută la articolul 14 din Directiva 2000/31/CE a Parlamentului European și a Consiliului³⁴.

³⁴ Directiva 2000/31/CE a Parlamentului European și a Consiliului din 8 iunie 2000 privind anumite aspecte juridice ale serviciilor societății informaționale, în special ale comerțului electronic, pe piața internă (JO L 178, 17.7.2000, p. 1–16).

³⁴ Directiva 2000/31/CE a Parlamentului European și a Consiliului din 8 iunie 2000 privind anumite aspecte juridice ale serviciilor societății informaționale, în special ale comerțului electronic, pe piața internă (JO L 178, 17.7.2000, p. 1–16).

Amendment 392

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, **thereby going** beyond the mere provision of physical facilities and **performing an** act of communication to the public, **they are** obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Information society service providers **that** store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, **go** beyond the mere provision of physical facilities and **intervene in the** act of communication to the public **initiated by their users uploading such works and other subject matter. These service providers are thus** obliged to conclude licensing agreements with rightholders **both for the communication to the public and reproducing rights in which they play an indispensable role**, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Justification

As User Uploaded Content (UUC) services undertake acts of communication to the public through their indispensable intervention in the communication to the public initiated by uploaders, it is necessary to clarify the wording so that the safe harbour non-liability regime does not apply to the services that play an active role in making the works and other subject matter available to the public. Such services are not covered by Directive 2000/31/EC for copyright purposes and they are subject to the rules of Directive 2001/29/EC as any digital content service provider.

Amendment 393

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, **thereby** going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with **rightholders**, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers store and provide access to the public to **significant amounts of** copyright protected works or other subject-matter uploaded by their users, **therefore** going beyond the mere provision of physical facilities and performing an act of communication to the public **as well as an act of reproduction**, they are obliged to conclude licensing agreements with **rightholders that request such agreements**, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 394
Stefano Maullu

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

Qualora i prestatori di servizi della società dell'informazione ***memorizzino e diano pubblico accesso a opere o altro materiale protetti dal diritto d'autore caricati dagli utenti, andando così oltre la mera fornitura di attrezzature fisiche ed effettuando in tal modo un atto di comunicazione al pubblico***, essi sono obbligati a concludere accordi di licenza con i titolari dei diritti, ***a meno che non rientrino nell'esenzione di responsabilità di cui all'articolo 14 della direttiva 2000/31/CE del Parlamento europeo e del Consiglio***³⁴.

³⁴ Direttiva 2000/31/CE del Parlamento europeo e del Consiglio, dell'8 giugno 2000, relativa a taluni aspetti giuridici dei servizi della società dell'informazione, in particolare il commercio elettronico, nel mercato interno (GU L 178 del 17.7.2000, pag.1).

Amendment

Qualora i prestatori di servizi della società dell'informazione, ***siano indipendentemente dalla natura del mezzo utilizzato a tal fine coinvolti nella messa a disposizione del pubblico di opere di terzi caricate dagli utenti e qualora tale attività non sia di natura puramente tecnica, automatica e passiva***, essi sono obbligati a concludere accordi di licenza con i titolari dei diritti. ***E' comunque fatto salvo l'utilizzo delle opere nell'ambito di un'eccezione o limitazione al diritto d'autore e l'utilizzo di contenuti originali creati dagli utenti.***

³⁴ Direttiva 2000/31/CE del Parlamento europeo e del Consiglio, dell'8 giugno 2000, relativa a taluni aspetti giuridici dei servizi della società dell'informazione, in particolare il commercio elettronico, nel mercato interno (GU L 178 del 17.7.2000, pag.1).

Or. it

Amendment 395
Antanas Guoga

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, ***thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders***, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, ***they should conclude licensing agreements with rightholders in order to ensure fair remuneration***, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment 396

Constance Le Grip, Angelika Niebler, Sirpa Pietikäinen

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public ***and/or an act of reproduction***, they are obliged to conclude licensing agreements with rightholders ***requiring so***, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 397
Luis de Grandes Pascual

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication **or making available** to the public, **as the case may be**, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Justification

It is necessary to clarify that the acts of UUC services could also fall under the right of “making available to the public”, because this is the right which applies to on-demand distribution or streaming by UUC services for certain right holders, such as producers and performers. It should also be clarified that service providers need to implement technologies in case where such exist, meaning that service providers are not obliged to invest into developing their own technologies.

Amendment 398
Rosa Estaràs Ferragut

Proposal for a directive
Recital 38 – paragraph 1

Text proposed by the Commission

Cuando los proveedores de servicios de la sociedad de la información almacenan y facilitan el acceso público a obras u otras prestaciones protegidas por derechos de autor cargadas por sus usuarios, actividad que no se limita a la mera puesta a disposición de instalaciones materiales y constituye un acto de comunicación al público, están obligados a suscribir acuerdos de licencia con los titulares de derechos, a menos que puedan acogerse a la exención de responsabilidad prevista en el artículo 14 de la Directiva 2000/31/CE del Parlamento Europeo y del Consejo³⁴.

³⁴ Directiva 2000/31/CE del Parlamento Europeo y del Consejo, de 8 de junio de 2000, relativa a determinados aspectos jurídicos de los servicios de la sociedad de la información, en particular el comercio electrónico en el mercado interior (DO L 178 de 17.7.2000, pp. 1-16).

Amendment

Cuando los proveedores de servicios de la sociedad de la información almacenan y facilitan el acceso público a obras u otras prestaciones protegidas por derechos de autor cargadas por sus usuarios, actividad que no se limita a la mera puesta a disposición de instalaciones materiales y constituye un acto de comunicación al público ***o puesta a disposición de este, según sea el caso***, están obligados a suscribir acuerdos de licencia con los titulares de derechos, a menos que puedan acogerse a la exención de responsabilidad prevista en el artículo 14 de la Directiva 2000/31/CE del Parlamento Europeo y del Consejo³⁴.

³⁴ Directiva 2000/31/CE del Parlamento Europeo y del Consejo, de 8 de junio de 2000, relativa a determinados aspectos jurídicos de los servicios de la sociedad de la información, en particular el comercio electrónico en el mercado interior (DO L 178 de 17.7.2000, pp. 1-16).

Or. es

Amendment 399

Sajjad Karim

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers ***store and provide access to the public to copyright protected works or other subject-matter*** uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers ***are actively involved in the making available, promoting and curating copyright protected digital content*** uploaded by their users, ***to the public***, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 400

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, **thereby going** beyond the mere provision of physical facilities and **performing** an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers **that** store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, **go** beyond the mere provision of physical facilities and **perform** an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 401

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

***In respect of Article 14, it is necessary to verify ~~deleted~~
whether the service provider plays an active
role, including by optimising the presentation
of the uploaded works or subject-matter or
promoting them, irrespective of the nature of
the means used therefor.***

Or. en

Amendment 402

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

*In respect of Article 14, it is necessary to verify ~~deleted~~
whether the service provider plays an active
role, including by optimising the presentation
of the uploaded works or subject-matter or
promoting them, irrespective of the nature of
the means used therefor.*

Or. en

Amendment 403

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

*In respect of Article 14, it is necessary to verify ~~deleted~~
whether the service provider plays an active
role, including by optimising the presentation
of the uploaded works or subject-matter or
promoting them, irrespective of the nature of
the means used therefor.*

Or. en

Amendment 404

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

***In respect of Article 14, it is necessary to verify ~~deleted~~
whether the service provider plays an active
role, including by optimising the presentation
of the uploaded works or subject-matter or
promoting them, irrespective of the nature of
the means used therefor.***

Or. en

Amendment 405

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify ~~deleted~~ whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Or. en

Amendment 406

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider **plays** an active role, **including by optimising** the presentation of the uploaded works or subject-matter or **promoting them**, irrespective of the nature of the means used therefor.

Amendment

In respect of **the application of** Article 14 **of the Directive 2000/31/EC**, it is necessary to verify whether the **role played by the** service provider **is** an active role. **An active role includes, inter alia, optimization for the purpose of** the presentation **by the service** of the uploaded works or subject-matter or **their promotion by the service**, irrespective of the nature of the means used therefor. **The service providers that play such an active role are ineligible for the liability exemption of such Article 14.**

Or. en

Justification

It should be clarified that the provision refers to two acts that are "storing" and "giving access" that correspond to two copyright relevant acts, "reproduction right" and "communication to the public right" respectively. Therefore, both acts should be mentioned, since both of them need to be licensed if the service plays an active role.

Amendment 407

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Theresa Griffin, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Silvia Costa

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, ***it is necessary to verify whether*** the service provider ***plays*** an active role, ***including by optimising*** the presentation of the uploaded works or subject-matter or ***promoting them***, irrespective of the nature of the means used therefor.

Amendment

In respect of ***the application of*** Article 14 ***of the Directive 2000/31/EC, unless it has been ascertained that the role of the service provider is of a purely passive nature***, the service provider ***would not be eligible for the liability exemption of Article 14 of the Directive 2000/31/EC and would be deemed to play*** an active role. ***An active role includes, inter alia, optimisation for the purpose of*** the presentation ***by the service*** of the uploaded works or subject-matter or ***their promotion by the service***, irrespective of the nature of the means used therefor. ***A service provider can be deemed active even where it has no editorial control over the content which it makes available.***

Or. en

Amendment 408
Stefano Maullu

Proposal for a directive
Recital 38 – paragraph 2

Text proposed by the Commission

Per quanto concerne l'articolo 14 è necessario verificare se il prestatore di servizi svolge un ruolo attivo, anche ottimizzando la presentazione delle opere o altro materiale caricati ***o promuovendoli***, indipendentemente dalla natura del mezzo utilizzato a tal fine.

Amendment

Al fine dell'applicabilità del regime di responsabilità di cui all'articolo 14 della direttiva 2000/31/CE del Parlamento europeo e del Consiglio è necessario verificare se il prestatore di servizi svolge un ruolo attivo, anche ottimizzando la presentazione delle opere o altro materiale caricati, ***promuovendoli o sfruttandoli economicamente***, indipendentemente dalla natura del mezzo utilizzato a tal fine, ***ivi compresi i processi automatizzati. Il prestatore di servizi non può appellarsi al fatto di non svolgere un ruolo attivo per singole opere o altro materiale laddove svolga un ruolo attivo per quanto riguarda il funzionamento generale del servizio.***

Or. it

Amendment 409

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Amendment

In respect of Article 14 ***of Directive 2000/31/EC and the liability exemption provided therein***, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

In such case, the provider should no longer be considered to be merely hosting copyright protected works or other subject-matter uploaded by their users, should be ineligible for the liability exemption and therefore subjected to the provisions of Directive 2001/29/EC as any digital service provider.

Or. en

Amendment 410
Rosa Estaràs Ferragut

Proposal for a directive
Recital 38 – paragraph 2

Text proposed by the Commission

En lo que se refiere *al* artículo 14, es preciso comprobar si el proveedor de servicios ***desempeña*** un papel activo, ***en particular optimizando la*** presentación de las obras o prestaciones cargadas o promocionándolas, independientemente de la naturaleza de los medios utilizados a tal fin.

Amendment

En lo que se refiere ***a la aplicación del*** artículo 14 ***de la Directiva 2000/31/CE***, es preciso comprobar si ***el papel que desempeña*** el proveedor de servicios ***es de carácter activo***. Un papel activo ***incluye, entre otros, la optimización con fines de*** presentación ***por el servicio*** de las obras o prestaciones cargadas o promocionándolas, independientemente de la naturaleza de los medios utilizados a tal fin. ***En este supuesto, los proveedores de servicios no pueden acogerse a la exención de responsabilidad del artículo 14.***

Or. es

Amendment 411

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider ***plays*** an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Amendment

In respect of Article 14, it is necessary to verify whether the service provider ***has played*** an active role ***with knowledge of the copyright protected digital content in question***, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Or. en

Amendment 412

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the ***uploaded works or subject-matter*** or promoting ***them***, irrespective of the nature of the means used therefor.

Amendment

In respect of Article 14 ***of Directive 2000/31/EC***, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the ***content provided by the service*** or promoting ***such content***, irrespective of the nature of the means used therefor.

Or. en

Amendment 413

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

deleted

Or. en

Amendment 414

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

deleted

Or. en

Amendment 415

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

deleted

Or. en

Amendment 416

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

deleted

Or. en

Amendment 417

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers **are** eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers, eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC, **store and provide access to the public to significant amounts of copyright protected works or other subject-matter uploaded by their users.**

Or. en

Amendment 418

Constance Le Grip, Angelika Niebler, Sirpa Pietikäinen

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **large amounts of** copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to copyright protected works or other subject-matter uploaded by their users, should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC. ***Such licence agreements should also cover the content uploaded by users of these services, as well as their liability, including where they perform an act of reproduction and/or of communication to the public, insofar they act on a non-professional basis.***

Or. en

Justification

Should be a new recital 38a

Amendment 419
Rosa Estaràs Ferragut

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

En aras del correcto funcionamiento de los acuerdos de licencia, los proveedores de servicios de la sociedad de la información que almacenen y faciliten el acceso público a **grandes cantidades** de obras u otras prestaciones protegidas por derechos de autor cargadas por sus usuarios deben adoptar medidas adecuadas y proporcionadas para garantizar la protección de las obras u otras prestaciones, entre ellas la aplicación de tecnologías eficaces. Esta obligación también ha de ser aplicable cuando los proveedores de servicios de la sociedad de la información pueden acogerse a la exención de responsabilidad prevista en el artículo 14 de la Directiva 2000/31/CE.

Amendment

En aras del correcto funcionamiento de los acuerdos de licencia **o para procurar la puesta a disposición de servicios de contenidos no cubiertos por tales acuerdos**, los proveedores de servicios de la sociedad de la información que almacenen y faciliten el acceso público a **una cantidad significativa** de obras u otras prestaciones protegidas por derechos de autor cargadas por sus usuarios deben adoptar medidas adecuadas y proporcionadas para garantizar la protección de las obras u otras prestaciones, entre ellas la aplicación de tecnologías eficaces **coherentes con las tecnologías dominantes y mejores prácticas empresariales, siempre que existan tales tecnologías**. Esta obligación también ha de ser aplicable cuando los proveedores de servicios de la sociedad de la información pueden acogerse a la exención de responsabilidad prevista en el artículo 14 de la Directiva 2000/31/CE.

Or. es

Justification

Es necesario aclarar que los actos de los servicios de la UUC podrían también caer bajo el derecho de "poner a disposición del público", porque es el derecho que se aplica a la distribución a la carta o la transmisión por los servicios de la UUC para ciertos titulares de derechos, como productores y ejecutantes. También debe aclararse que los proveedores de servicios necesitan implementar tecnologías en el caso de que existan, lo que significa que los proveedores de servicios no están obligados a invertir en el desarrollo de sus propias tecnologías.

Amendment 420

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to ***the public to large*** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. ***This obligation*** should ***also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.***

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to ***significant*** amounts of copyright protected works or other subject-matter uploaded by their users ***and performing an act of communication to the public*** should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. ***Those measures*** should ***not require the identity of individual users uploading content in order to protect their privacy. Furthermore, those measures should be limited to preventing the availability of specifically identified and duly notified works and should not lead to a general obligation to monitor content uploaded by the users.***

Or. en

Amendment 421
Antanas Guoga

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to ***large amounts of*** copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, ***such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.***

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter.

Or. en

Amendment 422
Luis de Grandes Pascual

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement ***or to prevent the availability on their services of content not covered by such agreements***, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies ***consistent with prevailing technologies and industry best practices, and provided such technology exists***. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. en

Justification

It is necessary to clarify that the acts of UUC services could also fall under the right of “making available to the public”, because this is the right which applies to on-demand distribution or streaming by UUC services for certain right holders, such as producers and performers. It should also be clarified that service providers need to implement technologies in case where such exist, meaning that service providers are not obliged to invest into developing their own technologies.

Amendment 423

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers ***storing and providing access*** to the public ***to large amounts of copyright protected*** works or other ***subject-matter*** uploaded by their users should take appropriate and proportionate measures to ***ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.***

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers ***actively making available*** to the public ***copyright protected digital content,*** works or other ***subject matter*** uploaded by their users should take appropriate and proportionate measures to ***their value and size to ensure protection of that digital content, in accordance with technological developments.***

Or. en

Amendment 424
Sergio Gaetano Cofferati

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, ***such as implementing effective technologies***. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter. ***Such measures should respect users' rights and process personal data according to Directive 95/46/EC and the Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation)***. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. en

Amendment 425

Daniel Buda

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Pentru a asigura funcționarea unui contract de licență, furnizorii de servicii ale societății informaționale care stochează **cantități mari de** opere sau alte obiecte protejate prin drept de autor **încărcate de utilizatorii lor și** oferă publicului acces la acestea ar trebui să ia măsuri corespunzătoare și proporționale pentru a asigura protecția operelor sau a altor obiecte protejate, de exemplu prin utilizarea unor tehnologii eficiente. Această obligație ar trebui să se aplice și atunci când furnizorii de servicii ale societății informaționale îndeplinesc condițiile pentru exonerarea de răspundere prevăzută la articolul 14 din Directiva 2000/31/CE.

Amendment

Pentru a asigura funcționarea unui contract de licență **sau pentru a preveni disponibilitatea neautorizată a serviciilor lor privind conținutul neacoperit de astfel de contracte**, furnizorii de servicii ale societății informaționale care stochează, **indexează, clasifică** opere sau alte obiecte protejate prin drept de autor **sau care** oferă publicului acces la acestea ar trebui să ia măsuri corespunzătoare și proporționale pentru a asigura protecția operelor sau a altor obiecte protejate, de exemplu prin utilizarea unor tehnologii eficiente. Această obligație ar trebui să se aplice și atunci când furnizorii de servicii ale societății informaționale îndeplinesc condițiile pentru exonerarea de răspundere prevăzută la articolul 14 din Directiva 2000/31/CE.

Or. ro

Amendment 426

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Afin de garantir le bon fonctionnement de tout contrat de licence, les prestataires de services de la société de l'information qui stockent un grand nombre d'œuvres ou autres objets protégés par le droit d'auteur chargés par leurs utilisateurs et qui proposent ces contenus au public devraient prendre des mesures appropriées et proportionnées pour assurer la protection de ces œuvres et autres objets protégés, par exemple par la mise en œuvre de technologies efficaces. Cette obligation devrait également s'appliquer lorsque les prestataires de services de la société de l'information peuvent se prévaloir de l'exemption de responsabilité visée à l'article 14 de la directive 2000/31/CE.

Amendment

Afin de garantir le bon fonctionnement de tout contrat de licence, les prestataires de services de la société de l'information qui stockent un grand nombre d'œuvres ou autres objets protégés par le droit d'auteur chargés par leurs utilisateurs et qui proposent ces contenus au public devraient prendre des mesures appropriées et proportionnées pour assurer la protection de ces œuvres et autres objets protégés, par exemple par la mise en œuvre de technologies efficaces. Cette obligation, ***qui permettra de garantir le partage de la valeur en ligne***, devrait également s'appliquer lorsque les prestataires de services de la société de l'information peuvent se prévaloir de l'exemption de responsabilité visée à l'article 14 de la directive 2000/31/CE.

Or. fr

Amendment 427
Stefano Maullu

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

Per garantire il funzionamento di qualsiasi accordo di licenza, i prestatori di servizi della società dell'informazione che ***memorizzano e danno pubblico accesso ad un grande numero di opere o altro materiale protetti dal diritto d'autore caricati*** dagli utenti dovrebbero adottare misure appropriate e proporzionate per garantire la protezione di tali opere ***o altro materiale***, ad esempio tramite l'uso di tecnologie efficaci. L'obbligo dovrebbe sussistere anche quando i prestatori di servizi della società dell'informazione rientrano ***nell'esenzione*** di responsabilità di cui all'articolo 14 della direttiva 2000/31/CE.

Amendment

Per garantire il funzionamento di qualsiasi accordo di licenza, i prestatori di servizi della società dell'informazione che, ***indipendentemente dalla natura del mezzo utilizzato a tal fine, sono coinvolti nella messa a disposizione del pubblico di opere di terzi caricate*** dagli utenti dovrebbero adottare misure appropriate e proporzionate per garantire la protezione di tali opere, ad esempio tramite l'uso di tecnologie efficaci. L'obbligo dovrebbe sussistere anche quando i prestatori di servizi della società dell'informazione rientrano ***nel regime*** di responsabilità di cui all'articolo 14 della direttiva 2000/31/CE.

Or. it

Amendment 428

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

For the implementation of such measures, rightholders should provide service providers with accurately identified works or subject matter over which they consider to have rights in copyright. Rightholders retain responsibility for claims made by third parties over the use of works which they would have identified as being their own in the implementation of any agreement reached with the service provider.

Or. en

Amendment 429

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Recital 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

For the implementation of such measures rightholders should provide the information society service providers with the necessary data to ensure the proper functioning of the measures they deployed. Rightholders should also provide due justification for the rights they claim.

Or. en

Amendment 430

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 a) The EU copyright framework aims at providing a high level of protection, especially for authors, which is crucial in order to maintain the dynamism of European intellectual creation. The EU copyright framework should remain consistent with this objective and therefore should not introduce unnecessary, unbalanced and unjustified exceptions such as an exception for "user generated content", where the issues related to the use of works or other subject-matters by users comes from the interpretation made of the rules applicable to online service providers that play an active role in distributing the contents.

In order to clarify the situation and provide legal certainty, the liability of online service providers which give access to user generated content should be clarified. In this regard, such online service providers should not be covered by the liability exemption and licencing agreements concluded with rightholders should cover the acts of users who do not act on a professional basis.

Or. en

Amendment 431

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 a) Any agreements on measures between rightsholders and information society service providers that might be concluded should provide for an obligation for rightholders to provide the necessary data to allow the services to identify their content in a publicly accessible database. Such obligation should help clarify the responsibility of rightholders for claims made by third parties over the use of works which they would have identified as being their own in the implementation of any agreement reached with the service provider.

Or. en

Amendment 432

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 bis) Afin de garantir le bon fonctionnement de tout contrat de licence, ou pour prévenir l'accès non autorisé à des oeuvres ou autres objets protégés par le droit d'auteur chargés par les utilisateurs, les prestataires de services de la société de l'information qui stockent et diffusent ces contenus et qui les proposent au public doivent prendre des mesures appropriées et proportionnées pour assurer la protection de ces œuvres et autres objets protégés, par exemple par la mise en œuvre de technologies efficaces.

Or. fr

Amendment 433

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 38 b (new)

Text proposed by the Commission

Amendment

(38 ter) Cette obligation s'applique également aux prestataires de services de la société de l'information qui peuvent se prévaloir de l'exemption de responsabilité visée à l'article 14 de la directive 2000/31/CE, lorsqu'ils stockent et donnent accès au public à des quantités significatives d'oeuvres et autres objets protégés par le droit d'auteur chargés par leurs utilisateurs.

Un prestataire de service qui ne prendrait pas en compte ou ne réagirait pas de manière efficace aux demandes faites par les ayants droit de conclure des contrats de licence pourra pas bénéficier des protections offertes dans l'article 14 (1) de la directive 2000/31/CE.

Or. fr

Amendment 434

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society deleted service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 435

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society deleted service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 436

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society deleted service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 437

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society ~~deleted~~ service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 438

Jiří Maštálka

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society deleted service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 439

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) La collaboration entre les prestataires de services de la société de l'information qui stockent **un grand nombre d'œuvres** ou autres objets protégés par le droit d'auteur chargés par leurs utilisateurs et qui proposent au public un accès à ceux-ci est essentielle au bon fonctionnement des technologies, **comme** les technologies de reconnaissance des contenus. Dans de tels cas, les titulaires de droits **devraient** fournir les données nécessaires pour permettre aux services de reconnaître leurs contenus, et les services **devraient** être transparents à l'égard des titulaires de droits quant aux technologies déployées, afin de leur permettre d'apprécier le caractère approprié de ces dernières. Les services devraient en particulier fournir aux titulaires de droits des informations sur le type de technologies utilisé, la manière dont ces technologies sont exploitées et leur taux de réussite en termes de reconnaissance des contenus des titulaires de droits. Ces technologies devraient aussi permettre aux titulaires de droits d'obtenir des informations de la part des prestataires de services de la société de l'information sur l'utilisation de leurs contenus faisant l'objet d'un accord.

Amendment

(39) La collaboration entre les prestataires de services de la société de l'information qui stockent **et donnent accès aux œuvres** ou autres objets protégés par le droit d'auteur chargés par leurs utilisateurs et qui proposent au public un accès à ceux-ci est essentielle au bon fonctionnement des technologies, **telles que** les technologies de reconnaissance des contenus. Dans de tels cas, les titulaires de droits **sont tenus de** fournir les données nécessaires pour permettre aux services de reconnaître leurs contenus, et les services **sont tenus d'**être transparents à l'égard des titulaires de droits quant aux technologies déployées, afin de leur permettre d'apprécier le caractère approprié de ces dernières. Les services devraient en particulier fournir aux titulaires de droits des informations sur le type de technologies utilisé, la manière dont ces technologies sont exploitées et leur taux de réussite en termes de reconnaissance des contenus des titulaires de droits. Ces technologies devraient aussi permettre aux titulaires de droits d'obtenir des informations de la part des prestataires de services de la société de l'information sur l'utilisation de leurs contenus faisant l'objet d'un accord.

Lorsque les mesures et technologies mises en place sur la base de cette directive affectent le chargement de contenus couvert par une exception ou une autorisation, il est nécessaire de demander aux fournisseurs de services de mettre en place des systèmes de réclamation et de correction au bénéfice des utilisateurs dont les contenus sont affectés par lesdites mesures. Ces systèmes doivent veiller à maintenir un équilibre entre le besoin d'assurer que le contenu couvert par des exceptions au droit d'auteur ou des autorisations n'est pas indûment affecté par les mesures et le besoin de s'assurer que les systèmes de réclamation et de correction ne causent pas un préjudice injustifié à l'efficacité des mesures.

Pour atteindre cet objectif, les systèmes de réclamation et de correction doivent permettre aux ayants droit de recevoir l'information adéquate pour évaluer les réclamations et y répondre.

Les systèmes de réclamation et de correction doivent également prévoir une période de temps adéquate pour que les ayants droit puissent répondre aux réclamations.

Or. fr

Amendment 440

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement. ***Given the requirements under this Directive in terms of agreements and cooperation between information society service providers and rightholders, it is necessary to provide an intermediary procedure for parties to seek an amicable solution to any dispute regarding the relevant provisions thereof. Members States should support such a mechanism by designating an impartial body with relevant experience and competence to assist the parties in the resolution of their dispute.***

Or. en

Amendment 441
Luis de Grandes Pascual

Proposal for a directive
Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

(39) In cases when the measures and technologies deployed in accordance with this Directive affect the upload of content covered by an exception or authorization granted, it is necessary to require service providers to set up complaints and redress mechanisms for the benefit of users whose content has been affected by the measures. Such mechanisms should strike an appropriate balance between the need to ensure that content covered by exceptions to copyright or authorisations is not unduly affected by the measures, and the need to ensure that complaints and redress mechanisms do not unreasonably prejudice the effectiveness of the measures.

To achieve that aim, complaints and redress mechanisms should prescribe minimum standards for complaints to ensure right holders are provided with adequate information to assess and respond to complaints.

Properly functioning complaints and redress mechanisms should provide rightholders with an adequate period to respond to complaints, taking into account the number of complaints being processed by the recipient rightholder at the time of the complaint

Or. en

Justification

Given that in some cases the content uploaded by users on UUC service can be affected by the measures under Article 13, such as when it is covered by an exception or authorization, it is necessary to ensure that such content can continue to be available on UUC services and that users have at their disposal a mechanism that would allow them to submit complaints when the upload is prevented, and would allow right holders to assess and respond to users' complaints.

Amendment 442

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement. ***In accordance with Directive 95/46/EC, Directive 2002/58/EC and the General Data Protection Regulation, those technologies should not require the identification of individual users and the processing of their personal data and therefore should not lead to general monitoring obligation.***

Or. en

Amendment 443

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large amounts of** copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the **functioning of technologies, such as content recognition technologies. In such cases**, rightholders should provide the necessary data to allow the services to identify their content **and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness.** The services should **in particular provide** rightholders with information on the **type of technologies used**, the way they are operated and their success rate for the recognition of rightholders' content. **Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.**

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the **implementation of reasonable and appropriate measures.** **Therefore**, rightholders should provide the necessary data to allow the services to identify their content **to which they have rights in copyright and** the services should **be transparent towards** rightholders **and provide them** with information on the **measures**, the way they are operated and their success rate for the recognition of rightholders' content.

Or. en

Amendment 444

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers *storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.*

Amendment

(39) Collaboration between information society service providers *and right holders is essential to facilitate the accurate identification of unauthorised works online. Appropriate safeguards should however be put in place where they agree on the introduction of voluntary measures to ensure that these do not infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with Articles 8 and 11 of the Charter of Fundamental rights of the European Union, in particular their rights to the use of works made in accordance with an exception or limitation to copyright.*

Or. en

Amendment 445

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content **and** the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers, storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users **and performing an act of communication to the public**, and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content, **such as reference files and metadata. They should deliver reference files on a timely basis and in an appropriate file format. Metadata should be complete and accurate for each reference file.** The services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 446
Sergio Gaetano Cofferati

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, ***such as content recognition technologies***. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate ***for the recognition of rightholders' content***. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 447

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers *storing and providing access* to the public *to large amounts of copyright protected* works or other *subject-matter* uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers *actively making available* to the public *copyright protected digital content*, works or other *subject matter* uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 448

Constance Le Grip, Angelika Niebler, Sirpa Pietikäinen

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large amounts of** copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 449
Daniel Buda

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 a) În cazurile în care măsurile și tehnologiile implementate în conformitate cu prezenta directivă afectează încărcarea conținutului acoperit de o excepție sau acordat prin autorizație, este necesar să se solicite furnizorilor de servicii să instituie mecanisme de reclamații și recurs în beneficiul utilizatorilor al căror conținut a fost afectat de aceste măsuri / tehnologii. Astfel de mecanisme ar trebui să ofere un echilibru adecvat între necesitatea de a se asigura că un conținut acoperit de excepțiile de la dreptul de autor sau acordat prin autorizație nu este afectat în mod nejustificat de măsuri / tehnologii, pe de o parte, și necesitatea de a se asigura că mecanismele de reclamații și recurs nu aduc atingere în mod nejustificat eficacității măsurilor, pe de altă parte. Pentru a realiza acest obiectiv, mecanismele de reclamații și recurs ar trebui să prevadă standarde minime pentru plângeri, pentru a se asigura că titularilor de drepturi le sunt furnizate informații adecvate pentru a evalua și răspunde plângerilor.

Funcționarea corectă a mecanismelor de reclamații și recurs ar trebui să ofere titularilor de drepturi o perioadă suficientă pentru a răspunde plângerilor, ținând seama de numărul de plângeri care sunt prelucrate de către titularul dreptului - destinat la momentul plângerii.

Or. ro

Amendment 450
Rosa Estaràs Ferragut

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 bis) En los casos en que las medidas y tecnologías aplicadas de conformidad con la presente Directiva afecten a la carga de contenidos cubiertos por una excepción o autorización concedida, es necesario exigir a los proveedores de servicios que establezcan mecanismos de reclamación y de reparación en beneficio de los usuarios cuyo contenido se vea afectado por dichas medidas. Dichos mecanismos deben encontrar un equilibrio adecuado entre la necesidad de garantizar que el contenido cubierto por las excepciones al derecho de autor o las autorizaciones no se vea indebidamente afectado por dichas medidas y la necesidad de garantizar que los mecanismos de reclamación y de reparación no perjudiquen injustificadamente la eficacia de las mismas. Para lograr ese objetivo, los mecanismos de reclamación y de recurso deben establecer normas mínimas, a fin de garantizar que se proporcione a los titulares de derechos la información adecuada para examinar las reclamaciones y darles respuesta. Los mecanismos de reclamación y de recurso que funcionen adecuadamente deberían proporcionar a los titulares de los derechos un plazo adecuado para su tramitación, teniéndose en cuenta el número de reclamaciones tramitadas relativas al titular de los derechos en el momento de la reclamación.

Or. es

Justification

Dado que, en algunos casos, el contenido subido por los usuarios del servicio UUC puede verse afectado por las medidas contempladas en el artículo 13, como cuando está cubierto por una excepción o autorización, es necesario garantizar que dicho contenido pueda seguir estando disponible en los servicios UUC y que los usuarios tengan a su disposición un mecanismo que les permita presentar denuncias cuando se impida la subida, y permita los titulares de derechos evaluar y responder a las quejas de los usuarios.

Amendment 451

Mary Honeyball, Virginie Rozière, Mady Delvaux, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Silvia Costa, Theresa Griffin

Proposal for a directive

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 a) The use of technical measures is essential for online licensing and rights management purposes, and content recognition technologies in particular are readily available and affordable. Such technical measures do not require the identity of uploaders and involve targeted technical cooperation between rightholders and information service providers, based on the data provided by rightholders. Provided they are used in such a way, the use of technical measures is fully compatible with Article 15 of Directive 2000/31/EC and the European Charter of Fundamental Rights. In order to promote collaboration between rightholders and information society services providers, Member States should encourage industry agreements between rightholders and information society services, and if necessary the Commission may bring forward proposals for a Code of Conduct at a later date.

Or. en

Amendment 452

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 a) The market for content recognition technologies is already well developed and destined to grow in a data based economy. Existence and competition of such technology solution providers are therefore supposed to ensure affordable and easy access for all interested parties, including SMEs, regardless of their size, fully respecting all the fundamental rights. However, without clear legislative obligations to use such technologies, the player in the market and especially the dominant ones, refuse regularly to use such tools that are appropriate for licensing and rights management purposes.

Or. en

Justification

Provided that all fundamental rights are fully respected, it shall be clarified that targeted content identification technologies that are already used in the market without any problem can be deployed by the platforms without any negative impact on fundamental rights or any obstacle for services of different sizes, including SMEs.

Amendment 453
Rosa Estaràs Ferragut

Proposal for a directive
Recital 39 c (new)

Text proposed by the Commission

Amendment

(39 quater) El mercado de técnicas de reconocimiento de contenidos se encuentra ya bien desarrollado, con una previsión de crecimiento en una economía basada en datos. La existencia y competencia entre los proveedores de este tipo de tecnologías debe por lo tanto asegurar el acceso económico y sencillo de las pymes al crear un mercado en condiciones equitativas para todas las empresas, con independencia de su tamaño. Sin embargo, la ausencia de obligaciones legales claras de uso de dichas tecnologías permite en particular a los operadores dominantes en el mercado negarse a utilizar dichas herramientas que son adecuadas para fines de concesión de licencias y de gestión de derechos.

Or. es

Amendment 454

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 bis) Les mesures techniques mises en place permettent, à la demande et en coopération avec les ayants droit, de reconnaître un contenu cible identifié. Elles n'ont pas pour objectif d'imposer une obligation générale de contrôle et de recherche de données sur le contenu, et ne nécessitent pas l'utilisation de données personnelles relatives à l'utilisateur final. Ces mesures sont donc parfaitement compatibles avec l'article 15 de la directive 2000/31/CE et la Charte des Droits Fondamentaux de l'Union européenne.

Or. fr

Amendment 455
Rosa Estaràs Ferragut

Proposal for a directive
Recital 39 b (new)

Text proposed by the Commission

Amendment

(39 ter) El uso de medios técnicos resulta esencial para el funcionamiento de la concesión de licencias en línea y la gestión de derechos. Dichos medios técnicos utilizados por la tecnología actual no requieren acceder a la identidad de los usuarios individuales que cargan contenidos, y por lo tanto, no suponen ningún riesgo para la privacidad de los usuarios finales individuales. Además, dichos medios técnicos parten de una cooperación técnica muy precisa entre titulares de derechos y prestadores de servicios de la sociedad de información basada en los datos facilitados por los titulares de derechos, y por lo tanto, no conllevan ninguna obligación general de supervisión ni de realizar búsquedas de hechos sobre los contenidos. Por consiguiente, lo dispuesto en el artículo 13 de esta Directiva es plenamente compatible con el artículo 15 de la Directiva 2000/31/CE y con la Carta Europea de los Derechos Fundamentales.

Or. es

Amendment 456

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, Kostadinka Kuneva, António Marinho e Pinto

Proposal for a directive

Recital 39 b (new)

Text proposed by the Commission

Amendment

(39 ter) Les Etats membres devraient prévoir la mise en place de mesures intermédiaires permettant aux prestataires de services et aux ayants droits de rechercher le cas échéant une solution amiable à tout différend concernant les dispositions relatives aux accords de coopération entre eux. Les Etats membres devraient, pour ce faire, désigner un organisme indépendant disposant de la compétence et de l'expérience adéquate pour aider les parties à résoudre leur différend.

Or. fr

Amendment 457

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Recital 39 c (new)

Text proposed by the Commission

Amendment

(39 quater) Il convient de rappeler que, tant de manière générale qu'au vu des références faites à l'article 3 de la directive 2001/29/CE dans la présente directive, une oeuvre et/ou un objet protégé est communiqué au public et/ou mis à la disposition du public lorsqu'une personne physique ou morale en donne l'accès à des personnes étrangères au cercle de ses relations intimes et personnelles, qui se définit comme le cercle normal de sa famille ou de son entourage le plus immédiat. Il est indifférent à cet égard que ces dernières soient en mesure d'avoir accès aux oeuvres et/ou objets protégés en un même lieu ou en des lieux différents au même moment ou à des moments différents.

Or. fr

Amendment 458
Julia Reda

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of **their** rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of **adequate** information by their contractual counterparts **or** their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers **as well as bodies who use public money for the purchase of content** need information to assess the economic value of rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration, **including cases where subsequently these works are licensed to or these rights are transferred to third parties** . As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the **regular** sharing of information by their contractual counterparts, their successors in title **or third parties to whom licences have been granted or rights have been transferred** is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Or. en

Amendment 459

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certains titulaires de droits tels que les auteurs, interprètes et exécutants ont besoin d'informations pour apprécier la valeur économique de leurs droits qui sont harmonisés par le droit de l'Union. C'est en particulier le cas lorsque ces titulaires de droits concèdent une licence ou cèdent des droits en contrepartie d'une rémunération. Comme les auteurs, interprètes et exécutants sont généralement dans une position contractuelle moins favorable lorsqu'ils concèdent des licences ou cèdent leurs droits, ils ont besoin d'informations pour déterminer la valeur économique constante de leurs droits par rapport à la rémunération perçue en contrepartie de leur licence ou de la cession, mais ils sont souvent confrontés à un manque de transparence. Par conséquent, la communication d'informations adéquates par leurs partenaires contractuels ou leurs ayants droit est importante pour la transparence et l'équilibre du système qui régit la rémunération des auteurs, interprètes et exécutants.

Amendment

(40) Certains titulaires de droits tels que les auteurs, interprètes et exécutants ont besoin d'informations pour apprécier la valeur économique de leurs droits qui sont harmonisés par le droit de l'Union. C'est en particulier le cas lorsque ces titulaires de droits concèdent une licence ou cèdent des droits en contrepartie d'une rémunération. Comme les auteurs, interprètes et exécutants sont généralement dans une position contractuelle moins favorable lorsqu'ils concèdent des licences ou cèdent leurs droits, ils ont besoin d'informations pour déterminer la valeur économique constante de leurs droits par rapport à la rémunération perçue en contrepartie de leur licence ou de la cession, mais ils sont souvent confrontés à un manque de transparence. Par conséquent, la communication d'informations adéquates par leurs partenaires contractuels ou leurs ayants droit est importante pour la transparence et l'équilibre du système qui régit la rémunération des auteurs, interprètes et exécutants. ***L'obligation d'information doit être transmise avec les droits et donc accompagner l'oeuvre à travers toutes les formes d'exploitation, indépendamment de qui exploite et sur quel territoire.***

Or. fr

Amendment 460

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *tend to be* in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *are* in a weaker contractual position when they grant licences or transfer their rights, they need *accurate* information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *and subsequent transferees or licences, as well as* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers. *The reporting and transparency obligation should follow the work across all form of exploitation and across borders.*

Or. en

Amendment 461

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers ***need*** information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. *As* authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, ***they need information*** to assess the continued economic value of ***their*** rights, compared to the remuneration ***received*** for their licence or transfer, ***but they often face a lack of transparency***. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is ***important*** for the transparency ***and balance*** in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors, ***creators*** and performers ***often face a lack of transparency regarding the*** information ***they need*** to assess ***and*** the economic value of their rights, which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. ***Such information should be adequate, accurate and comprehensive in order to allow*** authors and performers, ***who*** tend to be in a weaker contractual position when they grant licences or transfer their rights, to assess the continued economic value of ***those*** rights, compared to the remuneration ***originally agreed*** for their licence or transfer. Therefore, the sharing of adequate, ***accurate and comprehensive*** information by their contractual counterparts or their successors in title is ***essential*** for the transparency, ***equality and fairness*** in the system that governs the remuneration of authors and performers.

Or. en

Amendment 462
Pavel Svoboda

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers ***tend to*** be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of ***adequate*** information by their contractual counterparts ***or*** their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers ***could be*** in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of ***appropriate*** information by their contractual counterparts ***and transferees or licensees and by*** their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Or. en

Amendment 463

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *tend to be* in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *are* in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts or their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Or. en

Amendment 464

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements ***and standard reporting statements and procedures***. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under ***Directive 2014/26/EU, on the condition that Member States have transposed Directive 2014/26/EU and taken all necessary measures to ensure that the management of all collective management organisations is carried out in a sound, prudent and appropriate manner. Member States should also ensure that collective management organisations act in the best interest of the right holders whose rights they represent and regularly, diligently and accurately distribute and pay amounts due to rightholders and make public an annual transparency report, in full compliance with Directive 2014/26/EU.***

Or. en

Amendment 465

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered ***in line with the nature of their contribution to the overall outcome of the work or performance***. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements, ***if these are not already applicable or enforced in the Member State***. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU, ***or where agreements have already been made on the basis of collective bargaining agreements or equivalent arrangements in Member States***.

Or. en

Amendment 466

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) Lors de la mise en œuvre des obligations en matière de transparence, les spécificités des différents secteurs de contenus et des droits des auteurs, interprètes et exécutants dans chaque secteur devraient être prises en considération. Les États membres ***devraient consulter toutes les parties prenantes, ce qui devrait les aider à déterminer*** les exigences propres aux différents secteurs. La négociation collective devrait être considérée comme une possibilité de parvenir à un accord entre les parties prenantes concernant la transparence. Afin de permettre l'adaptation aux obligations de transparence des pratiques actuelles en matière d'établissement de rapports, il conviendrait de prévoir une période transitoire. Les obligations de transparence ne doivent pas s'appliquer aux contrats conclus avec des organisations de gestion collective ***comme celles qui*** sont déjà soumises à des obligations de transparence en vertu de la directive 2014/26/UE.

Amendment

(41) Lors de la mise en œuvre des obligations en matière de transparence, les spécificités des différents secteurs de contenus et des droits des auteurs, interprètes et exécutants dans chaque secteur devraient être prises en considération. Les États membres ***veillent à ce que les organisations représentatives de toutes les parties prenantes, déterminent*** les exigences propres aux différents secteurs, ***et établissent des procédures et modèles de présentation de l'information standardisés pour chaque secteur, favorisant un traitement automatisé de l'information à l'aide des technologies numériques et des identifiants internationaux des œuvres***. La négociation collective devrait être considérée comme une possibilité de parvenir à un accord entre les parties prenantes concernant la transparence. Afin de permettre l'adaptation aux obligations de transparence des pratiques actuelles en matière d'établissement de rapports, il conviendrait de prévoir une période transitoire. Les obligations de transparence ne doivent pas s'appliquer aux contrats conclus avec des organisations de gestion collective ***car elles*** sont déjà soumises à des obligations de transparence en vertu de la directive 2014/26/UE.

Or. fr

Amendment 467
Julia Reda

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. ***The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.***

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for.

Or. en

Amendment 468
Daniel Buda

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) Atunci când se pun în aplicare obligațiile în materie de transparență, ar trebui să se ia în considerare particularitățile diferitelor sectoare de conținut și ale drepturilor autorilor și artiștilor interpreți sau executanți din fiecare sector. Statele membre ar trebui să se consulte cu toate părțile interesate relevante, deoarece o astfel de consultare ar trebui să contribuie la stabilirea cerințelor specifice fiecărui sector. ***Negocierile colective ar trebui considerate o posibilitate prin care părțile interesate relevante să ajungă la un acord în ceea ce privește transparența.*** Pentru a permite adaptarea practicilor actuale de raportare la obligațiile de transparență, ar trebui prevăzută o perioadă de tranziție. Nu este necesar ca obligațiile de transparență să se aplice acordurilor încheiate cu organismele de gestiune colectivă, deoarece acestea sunt deja supuse obligațiilor de transparență prevăzute în Directiva 2014/26/UE.

Amendment

(41) Atunci când se pun în aplicare obligațiile în materie de transparență, ar trebui să se ia în considerare particularitățile diferitelor sectoare de conținut și ale drepturilor autorilor și artiștilor interpreți sau executanți din fiecare sector, ***precum și importanța contribuției autorilor ori artiștilor interpreți sau executanți la opera ori interpretarea sau execuția în ansamblu.*** Statele membre ar trebui să se consulte cu toate părțile interesate relevante, deoarece o astfel de consultare ar trebui să contribuie la stabilirea cerințelor specifice fiecărui sector. ***Acordurile de negociere colectivă sau acordurile contractuale similare ar trebui considerate ca îndeplinind obligațiile în materie de transparență.*** Pentru a permite adaptarea practicilor actuale de raportare la obligațiile de transparență, ar trebui prevăzută o perioadă de tranziție. Nu este necesar ca obligațiile de transparență să se aplice acordurilor încheiate cu organismele de gestiune colectivă, deoarece acestea sunt deja supuse obligațiilor de transparență prevăzute în Directiva 2014/26/UE.

Or. ro

Amendment 469
Pavel Svoboda

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. ***To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.***

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements ***and facilitate the design of standard reporting statements and procedures for each sector.*** Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency ***and where collective bargaining agreements containing transparency are in place the obligations of transparency shall be deemed to have been satisfied.*** ***To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for.***

Or. en

Amendment 470

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that ***should*** help determine sector-specific requirements. Collective bargaining ***should*** be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that ***could*** help determine sector-specific requirements. Collective bargaining ***may*** be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Or. en

Amendment 471

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 41 a (new)

Text proposed by the Commission

Amendment

(41 a) The creative drive is present in every human being, and needs to be nurtured, protected and stimulated in order to lay the foundations for the continuous renewal of creative talents. Therefore, the fundamental and prominent role of authors, creators and performers in the creative process and within society should be recognised. To this end, Member States should ensure that they are entitled to a fair and proportionate remuneration of the revenues derived from the exploitation of their works.

Or. en

Amendment 472
Axel Voss

Proposal for a directive
Recital 41 a (new)

Text proposed by the Commission

Amendment

(41 a) Die Mitgliedstaaten sollten sicherstellen, dass Urheber und ausübende Künstler eine angemessene und gerechte Vergütung aus den durch die Verwertung ihrer Werke entstehenden Einnahmen erhalten.

Or. de

Amendment 473

Daniel Buda

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Anumite contracte privind exploatarea drepturilor armonizate la nivelul Uniunii sunt de lungă durată și oferă autorilor și artiștilor interpreți sau executanți puține posibilități de a le renegocia cu partenerii lor contractuali sau cu succesorii în drepturi ai acestora. Prin urmare, fără a aduce atingere legislației aplicabile contractelor din statele membre, ar trebui să existe un mecanism de ajustare a remunerațiilor pentru cazurile în care remunerația convenită inițial pe baza unei licențe sau a unui transfer de drepturi **este** disproporționat de scăzută în comparație cu veniturile **și beneficiile** relevante generate de exploatarea operei sau de fixarea interpretării ori a execuției, având în vedere mai ales transparența asigurată de prezenta directivă. La evaluarea situației ar trebui să se țină seama de circumstanțele specifice fiecărui caz în parte, precum și de particularitățile **și practicile** diferitelor sectoare de conținut. În cazul în care părțile nu ajung la un acord privind ajustarea remunerațiilor, autorul ori artistul interpret sau executant ar trebui să aibă dreptul de a introduce o acțiune în fața unei instanțe judecătorești sau a unei alte autorități competente.

Amendment

(42) Anumite contracte privind exploatarea drepturilor armonizate la nivelul Uniunii sunt de lungă durată și oferă autorilor și artiștilor interpreți sau executanți puține posibilități de a le renegocia cu partenerii lor contractuali sau cu succesorii în drepturi ai acestora. Prin urmare, fără a aduce atingere legislației aplicabile contractelor din statele membre, ar trebui să existe un mecanism de ajustare a remunerațiilor pentru cazurile în care remunerația convenită inițial pe baza unei licențe sau a unui transfer de drepturi **a devenit** disproporționat de scăzută în comparație cu veniturile **nete** relevante generate de exploatarea operei sau de fixarea interpretării ori a execuției, având în vedere mai ales transparența asigurată de prezenta directivă. La evaluarea situației ar trebui să se țină seama de circumstanțele specifice fiecărui caz în parte, precum și de particularitățile **economice sau alte particularități și practici ale** diferitelor sectoare de conținut, **precum și de natura și importanța contribuției autorului sau artistului interpret sau executant la operă ori interpretare sau execuție în ansamblu**. În cazul în care părțile nu ajung la un acord privind ajustarea remunerațiilor, autorul ori artistul interpret sau executant ar trebui să aibă dreptul de a introduce o acțiune în fața unei instanțe judecătorești sau a unei alte autorități competente.

Or. ro

Amendment 474

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the **relevant** revenues and the **benefits** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer **should** be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism ***which would be applicable*** for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the ***subsequent and unanticipated*** revenues and the ***net profit*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer ***may*** be entitled to bring a claim before a court or other competent authority. ***However, where agreements with collective management organisations are applicable or where agreements with individuals are already in place and enforced, the remuneration mechanism should not apply.***

Or. en

Amendment 475
Stefano Maullu

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, ***there should be*** a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant ***revenues and the benefits*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, a remuneration adjustment mechanism ***should be introduced*** for cases where the remuneration originally agreed under a licence or a transfer of rights is ***clearly*** disproportionately low compared to the ***unanticipated*** relevant ***net revenues*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority. ***Such remuneration adjustment mechanism should only apply to direct contractual parties. It should not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.***

Or. en

Amendment 476

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, Frédérique Ries, António Marinho e Pinto

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certains contrats d'exploitation de droits harmonisés au niveau de l'Union sont de longue durée et offrent peu de possibilités aux auteurs, interprètes et exécutants de les renégocier avec leurs partenaires contractuels ou leurs ayants droit. Par conséquent, sans préjudice du droit applicable aux contrats dans les États membres, ***il conviendrait de*** mettre en place un mécanisme d'adaptation des rémunérations pour les cas où la rémunération initialement convenue dans le cadre d'une licence ou d'une cession de droits est exagérément faible par rapport aux recettes et bénéfices tirés de l'exploitation de l'œuvre ou de l'interprétation, notamment au regard de la transparence garantie par la présente directive. ***L'évaluation de la situation doit tenir compte des circonstances particulières de chaque cas ainsi que des spécificités et des pratiques des différents secteurs de contenus.*** Lorsque les parties ne parviennent pas à se mettre d'accord sur l'adaptation des rémunérations, l'auteur ou l'artiste, interprète ou exécutant doit avoir le droit d'introduire un recours devant un tribunal ou une autre autorité compétente.

Amendment

(42) Certains contrats d'exploitation de droits harmonisés au niveau de l'Union sont de longue durée et offrent peu de possibilités aux auteurs, interprètes et exécutants de les renégocier avec leurs partenaires contractuels ou leurs ayants droit. Par conséquent, sans préjudice du droit applicable aux contrats dans les États membres, ***ces derniers pourraient*** mettre en place un mécanisme d'adaptation des rémunérations pour les cas où la rémunération initialement convenue dans le cadre d'une licence ou d'une cession de droits est exagérément faible par rapport aux recettes et bénéfices tirés de l'exploitation de l'œuvre ou de l'interprétation, notamment au regard de la transparence garantie par la présente directive. ***Il est en effet indispensable que la position contractuelle des auteurs, interprètes et exécutants soit renforcée afin qu'ils puissent bénéficier qu'une rémunération équitable et inaliénable et d'éviter tout déséquilibre de pouvoir entre les parties. Cette disposition ne s'applique que pour les parties directement liées par contrat.*** Lorsque les parties ne parviennent pas à se mettre d'accord sur l'adaptation des rémunérations, l'auteur ou l'artiste, interprète ou exécutant doit avoir le droit d'introduire un recours devant un tribunal ou une autre autorité compétente ***ou de mettre un terme à son contrat.***

Or. fr

Amendment 477

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***Such mechanism should allow authors and performers, individually or through representative organisations, to claim an additional and equitable remuneration.*** The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent ***judicial*** authority.

Or. en

Amendment 478
Pavel Svoboda

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are ***of long*** duration, offering ***few*** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the ***relevant*** revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case ***as well as*** of the specificities ***and practices*** of the different ***content*** sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are ***for the entire*** duration ***of copyright***, offering ***no*** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***Collective bargaining should be considered as an option to reach an agreement.*** The assessment of the situation should take account of the specific circumstances of each case ***and*** of the specificities of the different sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 479

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) **Certain** contracts for the exploitation of rights harmonised at Union level are **of long** duration, offering **few** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. **The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors.** Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) **Most** contracts for the exploitation of rights harmonised at Union level are **for the entire** duration **of copyright**, offering **no** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. **Collective bargaining should be considered as an option to reach an agreement.** Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 480

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the ***unanticipated*** relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 481
Antanas Guoga

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often ***reluctant*** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often ***unable*** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism. ***The dispute settlement resolution could also be agreed upon in collective agreements.***

Or. en

Amendment 482

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 43

Text proposed by the Commission

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for ***an*** alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for ***a voluntary and public*** alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Or. en

Amendment 483

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Recital 43

Text proposed by the Commission

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an ***efficient*** alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Or. en

Amendment 484
Julia Reda

Proposal for a directive
Recital 43 a (new)

Text proposed by the Commission

Amendment

(43 a) There is in many cases a lack of information and availability of data regarding the holders of copyright and related rights, which prevents potential users of works to obtain a license to use or reproduce that work and directly remunerate the author or creator of that work. A centralised database should therefore be established to enable an easier identification of works subject to copyright and related rights, decrease complexity and costs in authors and performers's rights administration and to facilitate the remuneration and payment of licenses to artists and performers for their work.

Or. en

Amendment 485

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 44

Text proposed by the Commission

(44) ***Les objectifs de la présente directive, à savoir la modernisation de certains aspects du cadre de l'Union applicable au droit d'auteur*** afin de tenir compte des progrès technologiques et des nouveaux canaux de distribution des contenus protégés ***au sein du marché intérieur, ne peuvent être atteints de manière suffisante par les États membres mais peuvent, du fait de leur portée, de leurs effets et de leur dimension transfrontière, être mieux atteints au niveau de l'Union.*** Celle-ci peut donc adopter des mesures conformément au principe de subsidiarité énoncé à l'article 5 du traité sur l'Union européenne. Conformément au principe de proportionnalité tel qu'énoncé audit article, la présente directive n'excède pas ce qui est nécessaire pour atteindre ces objectifs.

Amendment

(44) ***Le droit d'auteur bénéficiant d'ores et déjà d'un cadre au niveau de l'Union, l'objectif de la présente directive, qui est d'en moderniser certains aspects*** afin de tenir compte des progrès technologiques et des nouveaux canaux de distribution des contenus protégés, ***justifie une action de l'Union sur ce sujet.*** Celle-ci peut donc adopter des mesures conformément au principe de subsidiarité énoncé à l'article 5 du traité sur l'Union européenne. Conformément au principe de proportionnalité tel qu'énoncé audit article, la présente directive n'excède pas ce qui est nécessaire pour atteindre ces objectifs.

Or. fr

Amendment 486

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 45

Text proposed by the Commission

(45) La présente directive respecte les droits fondamentaux ***et observe les principes reconnus en particulier par la charte des droits fondamentaux de l'Union européenne***. Il y a donc lieu d'interpréter et d'appliquer la présente directive conformément à ces droits et principes.

Amendment

(45) La présente directive respecte les droits fondamentaux ***tels que prévus par les traditions constitutionnelles des Etats membres***. Il y a donc lieu d'interpréter et d'appliquer la présente directive conformément à ces droits et principes.

Or. fr

Amendment 487
Rosa Estaràs Ferragut

Proposal for a directive
Recital 47 a (new)

Text proposed by the Commission

Amendment

(47 bis) En general, incluyendo cuando se indica en la presente Directiva, se considera que una obra u otra prestación protegida por derechos de autor es comunicada al público y/o puesta a disposición del público conforme a lo dispuesto en el artículo 3 de la Directiva 2001/29/CE cuando las personas que pueden acceder a dicha obra o prestación van más allá del núcleo familiar o del ámbito estrictamente doméstico. Resulta indiferente que dichas personas se encuentren efectivamente en el mismo sitio o en sitios diferentes, o que reciban las obras o prestaciones protegidas de forma simultánea o sucesiva.

Or. es

Justification

Varias disposiciones se basan en la noción del derecho de comunicación pública, concepto que ha sido objeto de varias decisiones jurisprudenciales, que ha llevado a una serie de discrepancias entre la interpretación del Tribunal de Justicia de la Unión Europea (por ejemplo, en los asuntos C-135/10 Del Corso o en el asunto Reha Training C-117/15) y la Organización Mundial de Propiedad Intelectual (teniendo en cuenta la Guía de la OMPI sobre tratados internacionales del año 2003).

Amendment 488

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. La presente direttiva stabilisce norme volte ad armonizzare ulteriormente il quadro giuridico dell'Unione applicabile al diritto d'autore e ai diritti connessi nell'ambito del mercato interno, tenendo conto in particolare degli utilizzi digitali e transfrontalieri dei contenuti protetti. Stabilisce inoltre norme riguardanti le eccezioni e le limitazioni e l'agevolazione della concessione delle licenze, nonché norme miranti a garantire il buon funzionamento del mercato per lo sfruttamento delle opere e altro materiale.

Amendment

1. La presente direttiva stabilisce norme volte ad armonizzare ulteriormente il quadro giuridico dell'Unione applicabile al diritto d'autore e ai diritti connessi nell'ambito del mercato interno, tenendo conto in particolare degli utilizzi digitali e transfrontalieri dei contenuti protetti. Stabilisce inoltre, ***senza compromettere probabili future ulteriori modifiche al quadro normativo che tengano conto degli sviluppi tecnologici***, norme riguardanti le eccezioni e le limitazioni e l'agevolazione della concessione delle licenze, nonché norme miranti a garantire il buon funzionamento del mercato per lo sfruttamento delle opere e altro materiale.

Or. it

Amendment 489

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. La présente directive ***fixe des règles visant à poursuivre l'harmonisation du*** droit de l'Union applicable au droit d'auteur et aux droits voisins ***dans le cadre du marché intérieur***, compte tenu, en particulier, des utilisations numériques ***et transfrontières*** des contenus protégés. Elle prévoit également des dispositions relatives aux exceptions et limitations, à la facilitation des contrats de licences ainsi que des règles destinées à assurer le bon ***fonctionnement du marché*** pour l'exploitation des œuvres et des autres objets protégés.

Amendment

1. La présente directive ***vis*** à ***moderniser le*** droit de l'Union applicable au droit d'auteur et aux droits voisins, compte tenu, en particulier, des utilisations numériques des contenus protégés. Elle prévoit également des dispositions relatives aux exceptions et limitations, à la facilitation des contrats de licences ainsi que des règles destinées à assurer le bon ***équilibre entre les intérêts de toutes les parties prenantes*** pour l'exploitation des œuvres et des autres objets protégés.

Or. fr

Amendment 490

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the ***exploitation*** of works and other subject-matter.

Amendment

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the ***enjoyment*** of works and other subject-matter.

Or. en

Amendment 491

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 bis. Gli Stati Membri, inoltre, sono invitati ad armonizzare la durata della protezione dei diritti d'autore e connessi a un periodo che non superi gli attuali standard internazionali stabiliti nella convenzione di Berna, tenendo conto del tempo necessario al recupero dell'investimento, della vita commerciale media dell'opera nonché dell'interesse pubblico alla disseminazione delle opere dell'ingegno.

Or. it

Amendment 492

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 493
Julia Reda

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 494

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, **2000/31/EC**, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 495

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 496

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Evelyn Regner, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The processing of personal data carried out within the framework of this Directive shall be subject to Directive 95/46/EC and the General Data Protection Regulation.

Or. en

Amendment 497

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

(a) on a non-for-profit basis or by reinvesting all the profits in its scientific research; or

(b) pursuant to a public interest mission recognised by a Member State;

Or. en

Amendment 498

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

„Forschungsorganisation“: eine Hochschule, ein Forschungsinstitut oder eine sonstige Organisation, deren vorrangiges Ziel die wissenschaftliche Forschung oder die Forschung in Verbindung mit Lehre ist, und die

„Forschungsorganisation“: eine Hochschule ***einschließlich ihrer Bibliotheken***, ein Forschungsinstitut oder eine sonstige Organisation, deren vorrangiges Ziel die wissenschaftliche Forschung oder die Forschung in Verbindung mit Lehre ist, und die

Or. de

Amendment 499

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of ***which is to conduct scientific research or to conduct scientific research and provide*** educational services:

‘educational establishment’ means a ***school, college,*** university, a research institute or any other organisation ***with*** the primary goal of ***providing*** educational services.

Or. en

Amendment 500

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct ***and support*** scientific research or to conduct scientific research and provide educational services:

Or. en

Amendment 501
Emil Radev

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

„научна организация“ означава университет, научен институт или друга организация, чиято основна цел е да извършва научни изследвания или да извършва научни изследвания и да предоставя образователни услуги:

„научна организация“ означава университет, научен институт или друга организация, чиято основна цел е да извършва научни изследвания или да извършва **и подкрепя** научни изследвания и да предоставя образователни услуги:

Or. bg

Amendment 502

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

***(a) on a non-for-profit basis or by reinvesting deleted
all the profits in its scientific research; or***

Or. en

Amendment 503

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) on a non-for-profit basis or by reinvesting all the profits in its *scientific research*; or

(a) on a non-for-profit basis or by reinvesting all the profits in its *educational activities*; or

Or. en

Amendment 504

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

***(a a) "person" means a public or private entity
or an individual.***

Or. en

Amendment 505

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

***(b) pursuant to a public interest mission
recognised by a Member State;***

deleted

Or. en

Amendment 506

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

*in such a way that the access to the results deleted
generated by the scientific research cannot be
enjoyed on a preferential basis by an
undertaking exercising a decisive influence
upon such organisation;*

Or. en

Amendment 507

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation; *deleted*

Or. en

Amendment 508

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a ***decisive*** influence upon such organisation;

Amendment

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a ***significant*** influence upon such organisation;

Or. en

Amendment 509
Tadeusz Zwiefka

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

(2) ‘text and data mining’ means any automated analytical technique aiming to analyse text and data in digital form in order to generate information such as patterns, trends and correlations;

deleted

Or. en

Amendment 510
Victor Negrescu

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

(2) 'text and data mining' means any ***automated analytical*** technique ***aiming to analyse text and data*** in digital form in order to generate information ***such as*** patterns, trends and correlations;

Amendment

(2) 'text and data mining' means any ***computational*** technique ***which analyses works and other subject matter*** in digital form in order to generate information ***including, but not limited to, inferences, insights, attributes,*** patterns, trends and correlations;

Or. en

Amendment 511

Lidia Joanna Geringer de Oedenberg, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

(2) 'text and data mining' means any automated analytical technique ***aiming to analyse text and data*** in digital form in order to generate information ***such as*** patterns, trends and correlations;

Amendment

(2) 'text and data mining' means any automated analytical technique ***which analyses works and other subject matter*** in digital form in order to generate information, ***including, but not limited to,*** patterns, trends and correlations.

Or. en

Amendment 512

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

(2) «fouille de textes ***et de données***», toute technique d'analyse automatisée visant à analyser des textes ***et des données*** sous forme numérique afin d'en dégager des informations telles que des constantes, des tendances et des corrélations;

Amendment

(2) «fouille de textes », toute technique d'analyse automatisée visant à analyser des textes sous forme numérique afin d'en dégager des informations telles que des constantes, des tendances et des corrélations;

Or. fr

Amendment 513

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) "beneficiary" means any individual or entity, public or private, with lawful access to content

;

Or. en

Amendment 514
Julia Reda

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means *a* publicly accessible *library or museum, an archive or a* film or audio heritage *institution*;

Amendment

(3) ‘cultural heritage institution’ means publicly accessible *libraries, educational establishments and museums, as well as archives*, film or audio heritage *institutions and public-service broadcasting organisations*;

Or. en

Amendment 515

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution;

Amendment

(3) ‘cultural heritage institution’ means a publicly accessible library, **gallery** or museum, an archive or a film or audio heritage institution **or public broadcaster**;

Or. en

Amendment 516

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3 a) 'public domain' means the status of a work or other subject matter when the copyright and related rights therein :

(a) have expired, or

(b) have never existed, or

(c) have been voluntarily relinquished by rightholders;

Or. en

Amendment 517
Julia Reda

Proposal for a directive

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3 a) "user generated content" means an image, a set of moving images with or without sound, a phonogram, text, software, data, or a combination of the above, which is uploaded to an online service by one or more users;

Or. en

Amendment 518

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer

Proposal for a directive

Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider. *deleted*

Or. en

Amendment 519

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider. *deleted*

Or. en

Amendment 520

József Szájer, Andrea Bocskor

Proposal for a directive

Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider. *deleted*

Or. en

Justification

The planned new neighbouring right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright, but on certain other criteria.

Amendment 521

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 4

Text proposed by the Commission

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider. *deleted*

Or. en

Amendment 522

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 2 – paragraph 4

Text proposed by the Commission

(4) „Presseveröffentlichung“: Aufzeichnung einer Sammlung literarischer Werke journalistischer Art, die auch sonstige Werke oder Schutzgegenstände beinhalten kann und innerhalb einer unter einem einheitlichen Titel periodisch oder regelmäßig erscheinenden Veröffentlichung, wie Zeitungen oder Magazine von allgemeinem oder besonderem Interesse, eine Einzelausgabe darstellt und dem Zweck dient, über Nachrichten oder andere Themen zu informieren, und die, unabhängig vom Medium, auf Initiative sowie unter der redaktionellen Verantwortung und der Aufsicht eines Diensteanbieters veröffentlicht wird.

Amendment

(4) „Presseveröffentlichung“: Aufzeichnung einer Sammlung literarischer Werke journalistischer Art, die **von einem oder mehreren Urhebern erstellt wurde, und die** auch sonstige Werke oder Schutzgegenstände beinhalten kann und innerhalb einer unter einem einheitlichen Titel periodisch oder regelmäßig erscheinenden Veröffentlichung, wie Zeitungen oder Magazine von allgemeinem oder besonderem Interesse, eine Einzelausgabe darstellt und dem Zweck dient, über Nachrichten oder andere Themen zu informieren, und die, unabhängig vom Medium, auf Initiative sowie unter der redaktionellen Verantwortung und der Aufsicht eines Diensteanbieters veröffentlicht wird.

Or. de

Amendment 523
Julia Reda

Proposal for a directive
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4 a) 'Out of commerce work' means a work or other subject-matter that is not available to the public through customary channels of commerce, and it refers to both works that have previously been available commercially and works that have never been commercially available;

Or. en

Amendment 524

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4 a) 'significant amount' means fairly large in quantity or relevant in quality in the sense of importance of the uploaded copyright protected works for the creative sector or the users;

Or. en

Amendment 525

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

***(4 a) "lawful access" means access to content
acquired with the consent of the rightholder;***

Or. en

Amendment 526

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 bis (5) « accès légal », accès à un contenu acquis dans le respect de la législation en vigueur;

Or. fr

Amendment 527

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 2 b (new)

Text proposed by the Commission

Amendment

Article 2 ter (6) « service automatisé de référencement d'images », tout service en ligne dans le cadre duquel sont reproduits ou mis à disposition du public, à des fins d'indexation et de référencement, des oeuvres graphiques, plastiques ou photographiques collectées de manière automatisée à partir de service en ligne tiers.

Or. fr

Amendment 528

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Title 3

Text proposed by the Commission

MESURES VISANT À ADAPTER LES
EXCEPTIONS ET LIMITATIONS À
L'ENVIRONNEMENT NUMÉRIQUE ***ET***
TRANSFRONTIÈRE

Amendment

MESURES VISANT À ADAPTER LES
EXCEPTIONS ET LIMITATIONS À
L'ENVIRONNEMENT NUMÉRIQUE

Or. fr

Amendment 529
Tadeusz Zwiefka

Proposal for a directive
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Text and data mining

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

4. Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Justification

The potential of content mining techniques should be recognized and should contribute to breakthroughs in research. Stakeholders should collaborate to create and improve user-friendly platforms to facilitate the access to text and data mining licences and material. Universities and research facilities are already granted free licences to screen texts and search for data. The commercial use of TDM seems to be regulated by the market, therefore there is no need to introduce the new exception which add no value to the already existed practice.

Amendment 530

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 3 – title

Text proposed by the Commission

Amendment

Fouille de textes ***et de données***

Fouille de textes

Or. fr

Amendment 531

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations ***in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.***

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations.

Or. en

Amendment 532
Victor Negrescu

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by **research organisations** in order to carry out text and data mining of works or other **subject-matter** to which **they have** lawful access for the **purposes of scientific research**.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2, **3 and 4** of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by **any natural or legal person** in order to carry out text and data mining of works or other **subject matter** to which **the person performing such acts has** lawful access, **and** for the **incidental inclusion of such works and other subject matter in other material in accordance with fair practice**.

Or. en

Amendment 533

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made **by research organisations** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for **the purposes of scientific research**.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter to which they have lawful access for **non-commercial research** purposes. **Member States may continue to provide text and data mining exceptions in accordance with Article 5 (3) (a) of Directive 2001/29/EC.**

Or. en

Amendment 534
Jens Rohde

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations, ***public libraries and cultural heritage institutions*** in order to carry out text and data mining of works or other subject-matter to which they have ***acquired*** lawful access for the ***sole*** purposes of scientific research.

Or. en

Justification

Libraries with a public mandate and cultural heritage institutions should equally benefit from the exception if they are using the possibility of text and data mining for scientific research purposes. A reference to the concept of Article 5 of the Software Directive 2009/24/EC seems appropriate to limit the application to content which is acquired in a lawful manner.

Amendment 535

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Les États membres prévoient une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, et à l'article 11, paragraphe 1, de la présente directive pour les reproductions et extractions effectuées par des organismes de recherche, en vue de procéder à une fouille de textes et de données sur des œuvres ou autres objets protégés auxquels ils ont légitimement accès à des fins de recherche scientifique.

Amendment

1. Les États membres prévoient une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, et à l'article 11, paragraphe 1, de la présente directive pour les reproductions et extractions effectuées par des organismes de recherche, en vue de procéder à une fouille de textes et de données sur des œuvres ou autres objets protégés ***avec le consentement des ayant droits*** auxquels ils ont légitimement accès à des fins ***non commerciales*** de recherche scientifique.

Or. fr

Amendment 536

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC **and** Article 11(1) of this Directive for reproductions and extractions made by **research organisations** in order to carry out text and data mining of works or other subject-matter to which they have **lawful** access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 11(1) of this Directive **and Article 4(1)(a) of Directive 2009/24/EC** for reproductions and extractions made by **persons or legal entities** in order to carry out text and data mining of works or other subject-matter to which they have **authorised** access for the purposes of scientific research.

Or. en

Amendment 537

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have ***acquired*** lawful ***licence-based*** access for the purposes of ***non-commercial*** scientific research.

Or. en

Amendment 538

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made **by research organisations** in order to carry out text and data mining of works or other subject-matter **to which they have lawful access for the purposes of scientific research**.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter. ***This includes, for the sole purpose of text and data mining, the permission to extract contents of databases and to make reproductions.***

Or. en

Amendment 539
Jytte Guteland

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations ***and cultural heritage institutions*** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. en

Justification

The proposal to introduce a mandatory exemption for text and data mining is positive and recognize the great potential in this area in terms of research and innovation. This proposal should however be extended to cultural heritage institutions that act on behalf of the public interest.

Amendment 540

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Die Mitgliedstaaten sehen eine Ausnahme von den in Artikel 2 der Richtlinie 2001/29/EG und in Artikel 5 Buchstabe a und Artikel 7 Absatz 1 der Richtlinie 96/9/EG sowie in Artikel 11 Absatz 1 dieser Richtlinie festgelegten Rechten für Vervielfältigungen und Entnahmen vor, die durch Forschungsorganisationen von Werken oder sonstigen Schutzgegenständen, zu denen sie für die Zwecke der wissenschaftlichen Forschung rechtmäßig Zugang haben, für das Text- und Data-Mining vorgenommen wurden.

Amendment

1. Die Mitgliedstaaten sehen eine Ausnahme von den in Artikel 2 der Richtlinie 2001/29/EG und in Artikel 5 Buchstabe a und Artikel 7 Absatz 1 der Richtlinie 96/9/EG sowie in Artikel 11 Absatz 1 dieser Richtlinie festgelegten Rechten für Vervielfältigungen und Entnahmen vor, die durch Forschungsorganisationen von Werken oder sonstigen Schutzgegenständen, zu denen sie für die Zwecke der **nicht-kommerziellen Nutzung, wie z. B. der** wissenschaftlichen Forschung, rechtmäßig Zugang haben, für das Text- und Data-Mining vorgenommen wurden.

Or. de

Amendment 541
Constance Le Grip

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have ***acquired*** lawful access for the purposes of scientific research.

Or. en

Amendment 542

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions ***made by research organisations*** in order to carry out text and data mining of works or other subject-matter to which ***they have*** lawful access for the ***purposes of scientific research***.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions in order to carry out text and data mining of works or other subject-matter to which ***a*** lawful access ***is acquired*** for the ***sole purpose of text and data mining***.

Or. en

Amendment 543

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in **Article 2** of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made **by research organisations** in order to carry out text and data mining of works or other subject-matter **to which they have lawful access for the purposes of scientific research**.

Amendment

1. Member States shall provide for an exception to the rights provided for in **Articles 2, 3 and 4** of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, and Article 11(1) of this Directive for reproductions and extractions, made in order to carry out text and data mining of works or other subject-matter **as long as the body performing these acts has lawful access**.

Or. en

Amendment 544

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Les États membres ***prévoient*** une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, et à l'article 11, paragraphe 1, de la présente directive pour les reproductions et extractions effectuées par des organismes de recherche, en vue de procéder à une fouille de textes ***et de données*** sur des œuvres ou autres objets protégés auxquels ils ont légitimement accès à des fins de recherche scientifique.

Amendment

1. Les États membres ***peuvent prévoir*** une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, et à l'article 11, paragraphe 1, de la présente directive pour les reproductions et extractions effectuées par des organismes de recherche, en vue de procéder à une fouille de textes sur des œuvres ou autres objets protégés auxquels ils ont légitimement accès à des fins de recherche scientifique..

Or. fr

Amendment 545

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter *to which they have lawful access for the purposes of scientific research*.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, **Article 4 (1) of Directive 2009/24/EC** and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter *lawfully accessed*.

Or. en

Amendment 546

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall encourage rightholders who market works or other subject-matter primarily for research purposes, to allow research organisations, not having lawful access to those works or other subject-matter to access datasets that enable them to carry out only text and data mining. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as this compensation is reasonable. Member States shall promote stakeholder dialogue between the rightholders for other formats and types of content, research organisations and representatives of users in order to promote meaningful access to usable information for text and data mining elsewhere.

Or. en

Amendment 547

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide for rightholders who market works or other subject-matter primarily for research purposes, to have an obligation to allow research organisations not having lawful access to those works or other subject-matter access to datasets that are optimised for enabling them to carry out text and data mining on all aspects of the works. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as that compensation is related to the cost of formatting these datasets and does not exceed what is necessary and appropriate to cover those costs.

Or. en

Amendment 548

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Amendment

2. Any contractual provision ***or legal protection of technological measures*** contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 549

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Kopien der gemäß den Bestimmungen des Absatz 1 erhaltenen Inhalte können für die Dauer der Forschungsarbeiten gespeichert und auf sichere Weise aufbewahrt werden. Forschungsorganisationen löschen die zum Zweck der Text- und Data-Mining vervielfältigten Inhalte, sobald alle für die Forschung erforderlichen Handlungen durchgeführt wurden.

Or. de

Amendment 550

József Szájer, Andrea Bocskor

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Research organisations shall delete the reproductions of the works or other subject-matter made pursuant to paragraph 1 once the text and data mining acts necessary for the purposes of scientific research have been carried out.

Or. en

Justification

The dissemination of protected works shall be avoided.

Amendment 551

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not ***go beyond*** what is necessary to ***achieve that*** objective.

Amendment

3. Rightholders shall ***not*** be allowed to apply measures to ***prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless such measures are to*** ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted ***may be applied***. Such measures shall not ***exceed*** what is necessary to ***pursue the objective of ensuring the security of the system and shall not undermine the effective application of the exception. These measures shall not prevent or unreasonably restrict the ability to text and data mine or the ability to develop text and data mining tools different from those offered by the right holders as long as the security of the networks and databases are protected.***

Or. en

Amendment 552

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall ***not*** be allowed to apply ***technological*** measures to ***prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless*** to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall ***be transparent, non-discriminatory, proportionate, shall*** not go beyond what is necessary to achieve that objective ***and be justified by objective reasons.***

Or. en

Amendment 553

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall ***not*** be allowed to apply ***technological*** measures to ***prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless to*** ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures ***shall be transparent, non-discriminatory, proportionate and*** shall not go beyond what is necessary to achieve that objective.

Or. en

Amendment 554

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Rightholders shall be allowed to apply measures to ***ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.***

3. Rightholders shall ***not*** be allowed to apply measures to ***technologically limit the right to exercise the exception adopted pursuant to paragraph 1.***

Or. en

Amendment 555

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Rightholders shall be allowed to apply measures to ***ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.***

3. Rightholders shall ***not*** be allowed to apply measures to ***prevent or to hinder beneficiaries from benefiting from the exception provided in paragraph 1***

Or. en

Amendment 556

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Copies of content obtained for mining text and data shall be stored or preserved in a controlled and protected way, for a reasonable period of time, in the sole purpose of verification of results. Any copies of content obtained for mining text and data which are stored or preserved for longer than what is reasonable, shall constitute infringing copies.

Or. en

Amendment 557

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and ***research organisations*** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and ***beneficiaries*** to define commonly-agreed best practices ***across the Union*** concerning the ***development of technologies implementing the exception provided for in paragraph 1 as well as the*** application of the measures referred to in paragraph 3. ***These best practices shall be made easily and effectively accessible to the public.***

Or. en

Amendment 558

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and *research organisations* to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and *educational establishments* to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Amendment 559

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall *encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.*

4. Member States shall *designate a facility to safely store datasets used for text and data mining and to make them accessible for verification purposes.*

Or. en

Amendment 560

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders *and research organisations to define commonly-agreed best practices concerning the application* of the *measures referred to* in paragraph 3.

Amendment

4. Member States shall encourage rightholders *to make technological measures that might have an impact upon use of the exception provided for* in paragraph 1, *transparent to the public*.

Or. en

Amendment 561

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and **research organisations** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and **beneficiaries** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Amendment 562

Daniel Buda

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Reproducerile de opere sau alte obiecte protejate, efectuate în conformitate cu alineatul 1, trebuie depozitate în condiții de siguranță împotriva accesului neautorizat pentru perioada necesară efectuării extragerii de text și date, necesare în scopul cercetării științifice și trebuie șterse la finalizarea procesului. Orice reproduceri de opere sau alte obiecte protejate, obținute pentru extragerea textului și a datelor, care sunt depozitate sau conservate pentru o perioadă de timp mai îndelungată decât este necesar sunt considerate copii contrafăcute.

Or. ro

Amendment 563

Jean-Marie Cavada, Robert Rochefort, Joëlle Bergeron, António Marinho e Pinto

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 bis. Les copies du contenu accessible dans le cadre de la fouille de textes et de données doivent être conservées de manière sécurisée. Elles ne peuvent être ni stockées ni conservées sous quelque forme que ce soit au-delà de la fin du projet nécessitant la fouille de textes et de données. Toute copie conservée ou stockée plus de 6 mois après la fin du projet sera considérée comme une copie illicite.

Or. fr

Amendment 564

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Research data, including research articles, produced with public funding shall be made available in an open format optimised for enabling text and data mining, without licence restrictions on the re-use of such data.

Or. en

Amendment 565

Jiří Maštálka

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall designate a facility to store scientific datasets used in research by text and data mining technologies securely and to make such datasets accessible only for verification purposes.

Or. en

Amendment 566

József Szájer, Andrea Bocskor

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States may provide for fair compensation for the harm incurred by rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Justification

Such an approach could also consider the differences between the Member States in this area and would leave them a possibility to adjust their system even after the implementation of the Directive, according to future experiences and developments.

Amendment 567

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 bis

Diritto di prelievo per copia privata

Gli Stati Membri provvedono a disciplinare il diritto di prelievo per copia privata in maniera tale da informare i cittadini sull'entità effettiva, sulle finalità e sulle modalità di utilizzazione del prelievo.

Or. it

Amendment 568

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in digital
and cross-border teaching activities

Use of works and other subject-matter in digital
and cross-border teaching activities ***and
scientific research***

Or. en

Amendment 569

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in <i>digital</i> <i>and cross-border</i> teaching activities	Use of works and other subject-matter in teaching activities
--	---

Or. en

Amendment 570
Julia Reda

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in ***digital***
and cross-border teaching activities

Use of works and other subject-matter in
research and education activities

Or. en

Amendment 571

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Utilisation d'œuvres et d'autres objets protégés
dans le cadre d'activités d'enseignement
numériques ***et transfrontières***

Utilisation d'œuvres et d'autres objets protégés
dans le cadre d'activités d'enseignement
numériques

Or. fr

Amendment 572

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research, including private study***, to the extent justified by the non-commercial purpose to be achieved, provided that the use ***is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.***

Or. en

Amendment 573
Constance Le Grip

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter, ***or extracts of it, with the exception of sheet music and materials primarily intended for the educative market,*** for the sole purpose of illustration for teaching, to the extent ***and duration*** justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 574

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella, Robert Rochefort

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter ***or extract thereof, except for contents that are primarily intended to the educational and musical scores markets***, for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 575
Julia Reda

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the ***digital*** use of works and other subject-matter for the sole purpose of ***illustration for teaching, to the extent justified by the non-commercial purpose to be achieved***, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the use of works and other subject-matter for the sole purpose of ***research and education***, provided that the use:

Or. en

Amendment 576

Josef Weidenholzer, Evelyn Regner

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, ***to the extent justified by the non-commercial purpose to be achieved***, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, provided that the use:

Or. en

Amendment 577

Jean-Marie Cavada, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Les États membres prévoient une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à ***l'article 4, paragraphe 1, de la directive 2009/24/CE*** et à l'article 11, paragraphe 1, de la présente directive pour permettre l'utilisation numérique des œuvres et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement, dans la mesure justifiée par l'objectif non commercial à atteindre, à condition que cette utilisation:

Amendment

1. Les États membres prévoient une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à et à l'article 11, paragraphe 1, de la présente directive pour permettre l'utilisation numérique des œuvres et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement, dans la mesure justifiée par l'objectif non commercial à atteindre, à condition que cette utilisation:

Or. fr

Amendment 578

Emil Radev

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Държавите членки предвиждат изключение или ограничение за правата, посочени в членове 2 и 3 от Директива 2001/29/ЕО, член 5, буква а) и член 7, параграф 1 от Директива 96/9/ЕО, член 4, параграф 1 от Директива 2009/24/ЕО и член 11, параграф 1 от настоящата директива, за да позволят цифровото използване на произведенията и другите обекти единствено за целите на илюстрирането при преподаване до степен, която е оправдана от предвиденото нетърговско предназначение, при условие че това използване:

Amendment

1. Държавите членки предвиждат изключение или ограничение за правата, посочени в членове 2 и 3 от Директива 2001/29/ЕО, член 5, буква а) и член 7, параграф 1 от Директива 96/9/ЕО, член 4, параграф 1 от Директива 2009/24/ЕО и член 11, параграф 1 от настоящата директива, за да позволят цифровото използване на произведенията и другите обекти единствено за целите на илюстрирането при преподаване **или научни изследвания** до степен, която е оправдана от предвиденото нетърговско предназначение, при условие че това използване:

Or. bg

Amendment 579

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 580

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 581

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Les États membres prévoient une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive pour permettre l'utilisation numérique ***des œuvres*** et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement, dans la mesure justifiée par l'objectif non commercial à atteindre, à condition que cette utilisation:

Amendment

1. Les États membres prévoient une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive pour permettre l'utilisation numérique ***d'extraits d'œuvres*** et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement, dans la mesure justifiée par l'objectif non commercial à atteindre, à condition que cette utilisation:

Or. fr

Amendment 582

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for ***the sole purpose of illustration for teaching***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for ***educational purposes***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 583

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

-a is limited, for written works, printed and digital, to short parts of a work or small scale works and individual articles from newspapers and periodicals which are not made available individually and separately by right holders,

Or. en

Amendment 584

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

***-a soit limitée, pour les œuvres écrites,
imprimées et numériques, à de courts extraits
ou à de petites œuvres ;***

Or. fr

Amendment 585

Julia Reda

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff; *deleted*

Or. en

Amendment 586

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff; *deleted*

Or. en

Amendment 587

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or ***a cultural heritage institution*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff ***or registered members of a cultural heritage institution who are enrolled into the non-formal education activities provided by a cultural heritage institution***;

Or. en

Amendment 588

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ait lieu dans les locaux d'un établissement d'enseignement ou au moyen d'un réseau électronique sécurisé accessible uniquement aux élèves, aux étudiants et au personnel enseignant de cet établissement;

(a) ait lieu dans les locaux d'un établissement d'enseignement ou au moyen d'un réseau électronique sécurisé accessible uniquement aux élèves, aux étudiants et au personnel enseignant de cet établissement, ***et pour la durée nécessaire à l'illustration du cours.***

Or. fr

Amendment 589

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***ait lieu dans les locaux*** d'un établissement d'enseignement ***ou au moyen d'un*** réseau électronique sécurisé accessible uniquement aux élèves, aux étudiants et au personnel enseignant de ***cet établissement***;

(a) ***se déroule sur les lieux où se déroulent les activités d'enseignement*** d'un établissement d'enseignement ***reconnu par l'État membre dans lequel il est établi ou par un*** réseau électronique sécurisé accessible uniquement aux élèves ***ou*** aux étudiants et au personnel enseignant de ***l'établissement d'enseignement***;

Or. fr

Amendment 590

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or ***other educational venue, such as cultural heritage institutions, research organizations, or*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Or. en

Amendment 591

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or ***other educational venue, such as cultural heritage institutions, or*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Or. en

Amendment 592
Jens Rohde

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or through a secure electronic network, ***including through a secure network access by the dedicated users on their own devices***, accessible only by the educational establishment's pupils or students and teaching staff;

Or. en

Justification

Already Directive 2001/29/EC allows for access at “dedicated terminals”. This approach needs modernisation.

Amendment 593

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff ***directly involved in the teaching activities where the work is being used***;

Or. en

Amendment 594

Emil Radev

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

а) се *осъществява в помещенията на образователна институция или чрез сигурна електронна мрежа, достъпна единствено за* учениците или студентите и преподавателите *от тази образователна институция;*

Amendment

а) се *ограничава до специфичната група лица, участващи в преподавателската дейност, например* учениците или студентите и преподавателите *или регистрирани членове на институция за културно наследство, ангажирани с неформално образование;*

Or. bg

Amendment 595

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or ***through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;***

(a) takes place on the premises of an educational establishment or ***on the premises of an entity providing educational activities or through a secure electronic communications network;***

Or. en

Amendment 596

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) is limited to the duration justified by the illustrative purpose;

Or. en

Amendment 597

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible. *deleted*

Or. en

Amendment 598

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) s'accompagne d'une indication de la source, notamment le nom de l'auteur, sauf si cela s'avère impossible.

Amendment

(b) *soit limitée aux courts extraits d'œuvres écrites imprimées et numériques, d'œuvres éditées en petit nombre, aux articles individuels de journaux et de périodiques qui ne soient pas accessibles individuellement et séparément par les ayant droit et s'accompagne d'une indication de la source, notamment le nom de l'auteur sauf si cela s'avère impossible*

Or. fr

Amendment 599
Jens Rohde

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) is accompanied by the indication of the source, including the author's name, unless this ***turns out to be impossible***.

Amendment

(b) is accompanied by the indication of the source, including the author's name, unless this ***cannot be ascertained without disproportionate effort***.

Or. en

Justification

In order not to allow too much bureaucracy the introduction of an effort limitation seems adequate.

Amendment 600

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) *s'accompagne d'une indication* de la source, *notamment le* nom de l'auteur, sauf si cela s'avère impossible.

Amendment

(b) *soit accompagnée de l'indication* de la source, *y compris du* nom de l'auteur, sauf si cela s'avère impossible.

Or. fr

Amendment 601

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

*L'exception prévue au paragraphe 1 doit
pouvoir permettre l'accès au cours de manière
numérique tant dans le pays où se situe
l'établissement où est donné le cours que dans
celui où se trouve l'élève.*

Or. fr

Amendment 602

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 bis. Toute disposition contractuelle contraire à l'exception prévue au paragraphe 1 est inapplicable. L'exception prévue au paragraphe 1 ne s'applique pas aux cas où des licences sont disponibles.

Or. fr

Amendment 603
Julia Reda

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide that any contractual provision contrary to the exception or limitation adopted pursuant to paragraph 1 shall be unenforceable.

Or. en

Amendment 604

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.

Or. en

Amendment 605

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2.

deleted

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. en

Amendment 606
Julia Reda

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

*Member States may provide that the exception deleted
adopted pursuant to paragraph 1 does not
apply generally or as regards specific types of
works or other subject-matter, to the extent
that adequate licences authorising the acts
described in paragraph 1 are easily available
in the market.*

Or. en

Amendment 607

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

*Member States may provide that the exception deleted
adopted pursuant to paragraph 1 does not
apply generally or as regards specific types of
works or other subject-matter, to the extent
that adequate licences authorising the acts
described in paragraph 1 are easily available
in the market.*

Or. en

Amendment 608

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

*Member States may provide that the exception deleted
adopted pursuant to paragraph 1 does not
apply generally or as regards specific types of
works or other subject-matter, to the extent
that adequate licences authorising the acts
described in paragraph 1 are easily available
in the market.*

Or. en

Amendment 609

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable

.

Or. en

Amendment 610
Daniel Buda

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Statele membre pot prevedea că excepția prevăzută la alineatul (1) nu se aplică în general sau în cazul anumitor tipuri de opere sau alte obiecte protejate, în măsura în care pe piață sunt disponibile cu ușurință licențe adecvate de autorizare a actelor descrise la alineatul (1).

Amendment

Statele membre pot prevedea că excepția prevăzută la alineatul (1) nu se aplică în general sau în cazul anumitor tipuri de opere sau alte obiecte protejate, în măsura în care pe piață sunt disponibile cu ușurință licențe adecvate de autorizare a actelor descrise la alineatul (1), ***care sunt adaptate nevoilor și particularităților instituțiilor de învățământ.***

Or. ro

Amendment 611

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Les États membres ***peuvent prévoir*** que l'exception adoptée ***conformément au*** paragraphe 1 ne s'applique pas de ***façon*** générale ou ***à certains*** types d'œuvres ou ***autres*** objets ***protégés, si*** des licences ***appropriées*** autorisant les actes décrits au paragraphe 1 ***peuvent*** facilement ***être obtenues*** sur le marché.

Amendment

Les États membres ***prévoient*** que l'exception adoptée ***en application du*** paragraphe 1 ne s'applique pas de ***manière*** générale ou ***en ce qui concerne des*** types ***spécifiques*** d'œuvres ou ***d'autres*** objets, ***dans la mesure où*** des licences ***adéquates*** autorisant ***au moins*** les actes décrits au paragraphe 1 ***sont*** facilement ***disponibles*** sur le marché.

Or. fr

Amendment 612

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are *easily* available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are available in the market.

Or. en

Amendment 613
Constance Le Grip

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that ***adequate*** licences authorising the acts described in paragraph 1 are ***easily*** available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that licences authorising the acts described in paragraph 1 are available in the market.

Or. en

Amendment 614
Julia Reda

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

deleted

Or. en

Amendment 615

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

deleted

Or. en

Amendment 616

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

deleted

Or. en

Amendment 617

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments ***and cultural heritage institutions.***

Or. en

Amendment 618

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments ***and cultural heritage institutions.***

Or. en

Amendment 619

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Les États membres *qui recourent à la disposition du premier alinéa prennent les mesures nécessaires à la disponibilité et à la bonne visibilité des licences autorisant les actes décrits au paragraphe 1 pour les établissements d'enseignement.*

Amendment

Les États membres *peuvent exclure de l'exception ou de la limitation prévue au paragraphe 1 les matériels principalement destinés au marché de l'éducation.*

Or. fr

Amendment 620

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Les États membres ***qui recourent à la disposition du premier alinéa*** prennent les mesures nécessaires à la disponibilité et à la bonne visibilité des licences autorisant les actes décrits au paragraphe 1 pour les établissements d'enseignement.

Amendment

Les États membres prennent les mesures nécessaires à la disponibilité et à la bonne visibilité des licences autorisant les actes décrits au paragraphe 1 pour les établissements d'enseignement.

Or. fr

Amendment 621

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Aux fins de l'application du paragraphe 2, les États membres contribuent activement à assurer la disponibilité des licences autorisant au moins les actes visés au paragraphe 1, par exemple en acquérant des licences collectives pour le compte des établissements d'enseignement établis sur leur territoire ou en facilitant le dialogue entre les titulaires de droits et les établissements d'enseignement en vue d'établir des autorisations spécifiques autorisant les actes visés au paragraphe 1.

Les États membres veillent à la visibilité des licences autorisant les actes visés au paragraphe 1 par des outils appropriés, tels qu'un portail unique ou une base de données accessible aux établissements d'enseignement, où les licences disponibles sont énumérées et mises à jour.

Or. en

Amendment 622

József Szájer, Andrea Bocskor

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. For the purposes of applying paragraph 2, Member States shall actively assist in facilitating dialogue between rightholders and educational establishments with a view to establishing specific licences authorising the acts described in paragraph 1. Member States may be encouraged to ensure the visibility of the licences authorising the acts described in paragraph 1 through appropriate tools, such as a single portal or database accessible to educational establishments, where the available licences shall be listed and kept up-to-date.

Or. en

Justification

The amendment would increase the accessibility of licences, however, at the same time, the decision would be left to Member States which tools they consider to be appropriate. E.g. developing a single portal or database should be carried out on a voluntary basis, since not every Member State has the capacity (or the funding) to develop such tools.

Amendment 623

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic ***communications*** networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment ***or the entity providing educational activities*** is established.

Or. en

Amendment 624
Kosma Złotowski

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational *establishment* is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the *person or entity providing the educational activity* is established.

Or. en

Amendment 625

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. L'utilisation **des œuvres** et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement au moyen de réseaux électroniques sécurisés, lorsqu'elle a lieu en conformité avec les dispositions de droit interne adoptées en application du présent article, est réputée avoir lieu uniquement dans l'État membre dans lequel l'établissement d'enseignement est établi.

Amendment

3. L'utilisation **d'extraits d'œuvres** et autres objets protégés à seule fin d'illustration dans le cadre de l'enseignement au moyen de réseaux électroniques sécurisés, lorsqu'elle a lieu en conformité avec les dispositions de droit interne adoptées en application du présent article, est réputée avoir lieu uniquement dans l'État membre dans lequel l'établissement d'enseignement est établi.

Or. fr

Amendment 626
Julia Reda

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of ***illustration for teaching through secure electronic networks*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational ***establishment is established***.

Amendment

3. The use of works and other subject-matter for the sole purpose of ***research or education online*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State ***from*** where the educational ***activity originates***.

Or. en

Amendment 627

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***through secure electronic networks*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***educational establishment*** is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research, including private study,*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***beneficiary*** is established.

Or. en

Amendment 628
Julia Reda

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. *Member States shall ensure that rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works or other subject-matter that they may choose.* Member States may provide for fair compensation for the ***demonstrable*** harm incurred by the rightholders due to the use of their works or other subject-matter ***pursuant to paragraph 1 , provided that it does not go beyond what is necessary and proportionate to compensate such demonstrable harm, and that rightholders do not require that the beneficiaries of the exception or limitation referred to in paragraph 1 provide information on individual uses made*** pursuant to paragraph 1.

Or. en

Amendment 629
Jens Rohde

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.
Any such compensation shall be paid in a lump-sum.

Or. en

Justification

Single entries would inadequate for higher-education institutions and single entry requirements would lead to disproportionate bureaucracy.

Amendment 630

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for ***the harm incurred by the*** rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for ***any unreasonable prejudice to the legitimate interests of*** rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 631

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Member States ***may*** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States ***shall*** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 632
Antanas Guoga

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States ***may*** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States ***shall*** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 633

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Les États membres **peuvent** prévoir une compensation équitable du préjudice subi par les titulaires de droits du fait de l'utilisation de leurs œuvres ou autres objets protégés au titre du paragraphe 1.

Amendment

4. Les États membres **doivent** prévoir une compensation équitable du préjudice subi par les titulaires de droits du fait de l'utilisation de leurs œuvres ou autres objets protégés au titre du paragraphe 1.

Or. fr

Amendment 634
Kosma Złotowski

Proposal for a directive
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall ensure that the rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works or other subject-matter that they may choose.

Or. en

Amendment 635
Julia Reda

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Preservation of cultural heritage

Amendment

Reproduction by cultural heritage ***institutions***
and educational establishments, including
cross-border activities

Or. en

Amendment 636

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 5 – title

Text proposed by the Commission

Amendment

Preservation of cultural heritage

Preservation of cultural heritage ***and
safeguarding the Public Domain***

Or. en

Amendment 637
Jens Rohde

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Amendment

Preservation of cultural heritage

Preservation ***and accessibility*** of cultural
heritage

Or. en

Justification

The Article should not only provide for rules on the preservation but also on the public procurement of our cultural heritage by entrusted public institutions in the framework of their subscribed mandate.

Amendment 638

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, ***research organizations or educational establishments*** to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such ***reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission in*** preservation, ***research, culture, education and teaching***.

Or. en

Amendment 639
Emil Radev

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Държавите членки предвиждат изключение за правата, посочени в член 2 от Директива 2001/29/ЕО, член 5, буква а) и член 7, параграф 1 от Директива 96/9/ЕО, член 4, параграф 1, буква а) от Директива 2009/24/ЕО и член 11, параграф 1 от настоящата директива, което позволява на институциите в областта на културното наследство да правят копия от произведения или други обекти, постоянно включени в техните сбирки, в произволен формат и на произволен носител, единствено с цел опазване на тези произведения или други обекти и до степента, необходима за опазването им.

Amendment

Държавите членки предвиждат изключение за правата, посочени в член 2 от Директива 2001/29/ЕО, член 5, буква а) и член 7, параграф 1 от Директива 96/9/ЕО, член 4, параграф 1, буква а) от Директива 2009/24/ЕО и член 11, параграф 1 от настоящата директива, което позволява на институциите в областта на културното наследство, **изследователските организации и учебните заведения** да правят копия от произведения или други обекти, постоянно включени в техните сбирки, в произволен формат и на произволен носител, единствено с цел опазване на тези произведения или други обекти и до степента, необходима за **възпроизвеждане, с цел, индивидуално или съвместно с други лица, осъществяване на тяхната мисия в обществен интерес за опазването им, изследванията, културата, образованието и обучението.**

Or. bg

Amendment 640

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Les États membres prévoient une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive, permettant aux institutions de gestion du patrimoine culturel de réaliser des copies de toute œuvre ou tout autre objet protégé qui se trouve en permanence dans leurs collections, quel que soit sa forme ou son support, à la seule fin de la préservation de ces œuvres et autres objets protégés et dans la mesure nécessaire à cette préservation.

Amendment

Les États membres prévoient une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive, permettant aux institutions de gestion du patrimoine culturel **désignés comme tel par leur Etat membre**, de réaliser des copies de toute œuvre ou tout autre objet protégé qui se trouve en permanence dans leurs collections, quel que soit sa forme ou son support, **à condition qu'il ne soit pas raisonnablement possible d'acquérir une copie de ces œuvres ou autres objets protégés** à la seule fin de la préservation de ces œuvres et autres objets protégés et dans la mesure nécessaire à cette préservation.

Or. fr

Amendment 641
Julia Reda

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are ***permanently*** in their collections, in any format or medium, ***for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such*** preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions ***or educational establishments*** to make copies of any works or other subject-matter that are in their collections ***or publicly accessible on the Internet***, in any format or medium, ***to the extent necessary for such reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission in*** preservation, ***research, culture, education and teaching.***

Or. en

Amendment 642
Jens Rohde

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter ***and to the extent necessary for such preservation.***

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, ***including museums,*** to make copies of ***and allow access through a secure electronic network to*** any works or other subject-matter that are permanently in their collections ***or that they might legally acquire in the future,*** in any format or medium, for the sole purpose of ***and to the extent necessary for*** the preservation of such works or other subject-matter ***as well as for cultural imparting.***

Or. en

Justification

An exception for the preservation of the cultural heritage should be complemented by an exemption for public cultural imparting of cultural heritage institutions within their prescribed public tasks.

Amendment 643

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Josef Weidenholzer

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions ***or educational facilities***, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 644

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections ***or use the facilities of third parties to do so***, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 645

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Gli Stati membri dispongono un'eccezione ai diritti di cui all'articolo 2 della direttiva 2001/29/CE, all'articolo 5, lettera a) e all'articolo 7, paragrafo 1, della direttiva 96/9/CE, all'articolo 4, paragrafo 1, lettera a), della direttiva 2009/24/CE e all'articolo 11, paragrafo 1, della presente direttiva per consentire agli istituti di tutela del patrimonio culturale di realizzare copie di qualunque opera o altro materiale presente permanentemente nelle loro raccolte, in qualsiasi formato o su qualsiasi supporto, al **solo** fine della conservazione di detta opera o altro materiale **e nella misura necessaria a tale conservazione.**

Amendment

Gli Stati membri, **in ragione dell'interesse pubblico alla disseminazione della cultura e della conoscenza,** dispongono un'eccezione ai diritti di cui all'articolo 2 della direttiva 2001/29/CE, all'articolo 5, lettera a) e all'articolo 7, paragrafo 1, della direttiva 96/9/CE, all'articolo 4, paragrafo 1, lettera a), della direttiva 2009/24/CE e all'articolo 11, paragrafo 1, della presente direttiva per consentire agli istituti di tutela del patrimonio culturale di realizzare copie di qualunque opera o altro materiale presente permanentemente nelle loro raccolte, in qualsiasi formato o su qualsiasi supporto, al fine della conservazione, **consultazione e catalogazione** di detta opera o altro materiale.

Or. it

Amendment 646

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Les États membres **prévoient** une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive, permettant aux institutions de gestion du patrimoine culturel de réaliser des copies de toute œuvre ou tout autre objet protégé qui se trouve en permanence dans leurs collections, quel que soit sa forme ou son support, à la seule fin de la préservation de ces œuvres et autres objets protégés et dans la mesure nécessaire à cette préservation.

Amendment

Les États membres **peuvent prévoir** une exception aux droits visés à l'article 2 de la directive 2001/29/CE, à l'article 5, point a), et à l'article 7, paragraphe 1, de la directive 96/9/CE, à l'article 4, paragraphe 1, de la directive 2009/24/CE et à l'article 11, paragraphe 1, de la présente directive, permettant aux institutions de gestion du patrimoine culturel **et aux bibliothèques** de réaliser des copies de toute œuvre ou tout autre objet protégé qui se trouve en permanence dans leurs collections, quel que soit sa forme ou son support, à la seule fin de la préservation de ces œuvres et autres objets protégés et dans la mesure nécessaire à cette préservation.

Or. fr

Amendment 647

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation , ***without modifying them.***

Or. en

Amendment 648

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Les oeuvres en permanence dans une collection, sont les oeuvres qui sont la propriété de l'institution de gestion du patrimoine culturel, et non des oeuvres qui sont sous licence et accessibles via un serveur tiers.

Or. en

Amendment 649

József Szájer, Andrea Bocskor

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purpose of enjoying the exception under the first paragraph of this Article, cultural heritage institutions may request that another cultural heritage institution or a service provider perform on their behalf the act of copying or digitising the works or other subject-matter that are permanently in the collection of the requesting cultural heritage institution, provided that no such copies shall remain available by the requested institution or service provider.

Or. en

Amendment 650

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall recognise that once a work is in the public domain because the copyright and related rights therein have expired or never existed, faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitalisation, shall equally not be subject to copyright or related rights.

Or. en

Amendment 651

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Josef Weidenholzer

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall recognise that once a work is in the public domain because the copyright and other related rights therein have expired or never existed, accurate reproductions in full or in part of that work shall not be subject to copyright or related rights.

Or. en

Amendment 652
Julia Reda

Proposal for a directive
Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall recognise that once a work is in the public domain because the copyright and related rights therein have expired or never existed, faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitisation, shall equally not be subject to copyright or related rights.

Or. en

Amendment 653

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Les services automatisés de référencement d'images sont aussi susceptibles d'être concernés par cette exception pour permettre la préservation de ces œuvres ou objets protégés, dans la mesure nécessaire à cette préservation.

Or. en

Amendment 654

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.

Or. en

Amendment 655

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 656
Julia Reda

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 657
Julia Reda

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Document delivery by cultural heritage institutions and educational establishments

1. Member States shall provide an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions or educational establishments to make reproductions in any format or medium upon request, for the sole purpose of a person's scientific research or private study, as long as the source, including the author's name is indicated, unless inclusion of the name is impractical.

2. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 658

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 bis

Utilisation d'extraits d'oeuvres et d'autres objets protégés préexistants dans des contenus chargés ou mis à disposition par les utilisateurs

1) Les Etats membres prévoient une exception aux droits visés aux articles 2 et 3 de la directive 2001/29/CE, à l'article 5, point a et à l'article 7, paragraphe 1 de la directive 96/9/CE et à l'article 4 paragraphe 1 point a de la directive 2009/24/CE pour permettre l'utilisation d'extraits d'œuvres et d'autres objets protégés préexistants dans des contenus chargés ou mis à disposition par les utilisateurs, lorsqu'ils n'agissent pas à titre professionnel, à des fins de critique, de commentaire, d'illustration, de caricature, de parodie ou de pastiche à condition que ces extraits :

a) concernent des œuvres ou autres objets protégés ayant été licitement mis à la disposition du public;

b) s'accompagnent d'une indication de la source, notamment le nom de l'auteur, sauf si cela s'avère impossible; et,

c) soient conformes aux bons usages et utilisés dans la mesure justifiée par le but poursuivi.

2) Toute disposition contractuelle contraire à l'exception prévue au présent article est sans effet.

3) Cette exception est sans préjudice des dispositions de l'article 13 de cette Directive.

Or. fr

Amendment 659
Julia Reda, Nessa Childers

Proposal for a directive
Article 5 e (new)

Text proposed by the Commission

Amendment

Article 5 e

User-generated content exception

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2, 3 and 4 of Directive 2001/29/EC, point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, point (a) of Article 4(1) of Directive 2009/24/EC and Article 13 of this Directive in order to allow for the digital use of quotations or extracts of works and other subject-matter comprised within user-generated content for purposes such as criticism, review, entertainment, illustration, caricature, parody or pastiche provided that the quotations or extracts:

(a) relate to works or other subject-matter that have already been lawfully made available to the public;

(b) are accompanied by the indication of the source, including the author's name, unless this turns out to be impossible; and

(c) are used in accordance with fair practice and in a manner that does not extend beyond the specific purpose for which they are being used.

2. Any contractual provision contrary to the exception provided for in this paragraph 1 shall be unenforceable.

Or. en

Amendment 660
Julia Reda

Proposal for a directive
Article 5 c (new)

Text proposed by the Commission

Amendment

Article 5 c

Public lending of literary works

1. Member States shall provide for a limitation to the rights provided in Article 1 of Directive 2006/115/EC in order to allow the lending of literary works in any format to the public, where such works have been legitimately acquired. This is without prejudice to the provisions of Articles 6(2) and 6(3) of Directive 2006/115/EC .

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

3. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, and Article 11(1) of this Directive, permitting libraries to make reproductions of literary works in order to facilitate public lending where the literary works have been legitimately acquired, but are not available in the format or medium required as part of the lending service.

4. Member States, libraries, authors and publishers shall work together to ensure that libraries can acquire and lend on reasonable terms, including remotely, all commercially available literary works in any format, including digital, that have legally entered their collections or to which they have legal access. The Commission shall report on progress towards this goal no later than two years after ... [date of entry into force of this Directive].

Or. en

Amendment 661

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Public lending of literary works

1. Member States shall provide for an exception to the rights provided in Article 1 of Directive 2006/115/EC, permitting public libraries to lend literary works in any format to the public, including remotely, where such literary works have entered into their collections or to which they have authorised access. This is without prejudice to the provisions laid down in Article 6 of Directive 2006/115/EC.

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.

3. Member States shall, in consultation with authors, publishers and public libraries, ensure that public libraries can acquire and lend on reasonable terms, in any format, including remotely, all literary works which have already been lawfully made available to the public and have entered into their collections or to which they have authorised access.

4. Member States shall report to the Commission on the steps taken according to paragraph 3. The Commission shall facilitate the exchange of best practices among Member States and make them easily and effectively accessible to the public.

Or. en

Amendment 662

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1. Member States shall provide for a limitation to the rights provided in Article 1 of Directive 2006/115/EC in order to allow for the lending of literary and/or scientific works in any format to the public, including remotely, where these have been legitimately acquired. This is without prejudice to the provisions of Articles 6(2) and 6(3) of that Directive.

2. Any contractual provision contrary to the exception provided in paragraph 1 of this Article shall be unenforceable.

3. Member States should authorise legal circumvention of TPMs that restrict the exercise of lawful exceptions and limitations, including the derogation/exception for "public lending".

4. Without prejudice to the provisions of paragraphs 1 and 2 of this Article, Member States, libraries, authors and publishers shall work together to ensure that libraries can acquire and lend in reasonable terms, including remotely, all commercially available literary or scientific works in any format, including digital, that have legally entered their collections or to which they have legal access.

The Commission shall report on progress towards this goal no later than 2 years after(the date of entry into force of this Directive).

Or. en

Amendment 663
Angelika Niebler, Axel Voss

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a
Datenbanken
Die Mitgliedstaaten legen Bestimmungen fest, mit denen Gerichte, Schiedsgerichte oder Behörden für Zwecke der Rechtspflege und der öffentlichen Sicherheit die in Artikel 2 und Artikel 3 Absatz 2 der Richtlinie 2001/29/EG genannten Rechte erhalten.

Or. de

Justification

Die Anlage und Pflege von Datenbanken mit Informationen, die für eine geordnete Rechtspflege unerlässlich sind, muss urheberrechtlich weiterhin unbedenklich bleiben. Die Bereitstellung einer Datenbank ist in vielen Fällen eine notwendige Informationsquelle für eine schnelle und geordnete Durchführung von Verfahren. Daher sollte auch für den Bereich der Rechtspflege und öffentlichen Sicherheit eine entsprechende Ausnahmeregelung vorgesehen werden.

Amendment 664

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Freedom of Panorama

Member States shall provide for an exception that grants the right to reproduce works permanently located in public spaces by way of still or moving images and to distribute and communicate to the public such images in full or in parts.

Or. en

Amendment 665

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide for an exception that grants the right to reproduce works permanently located in public spaces by way of still or moving images and to distribute and communicate to the public such images in full or in parts.

Or. en

Amendment 666
Jens Rohde

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a 1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places and created by private individuals, with the exception of any usage related to a commercial purpose.
2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable

.

Or. en

Justification

There should be an exception to copyright as regards the reproduction and use of works located permanently in the public sphere in order to stimulate innovation and allow for enhanced partaking in cultural goods. However, such an exception should be limited to non-commercial purposes in order not to undermine national structures to finance and support the cultural sectors.

Amendment 667

Julia Reda, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 5 d (new)

Text proposed by the Commission

Amendment

Article 5 d

Freedom of Panorama

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places.

2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

Or. en

Amendment 668

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Sergio Gaetano Cofferati

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a Member States shall provide for an exception or limitation to the rights to use photographs, video footage or other images of works permanently placed in public spaces.

Or. en

Amendment 669

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

General de minimis exception

1. Member States shall provide for an exception or limitation to the rights provided for in Article 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, and Article 4(1)(a) of Directive 2009/24/EC, to the extent justified by the non-commercial purpose to be achieved, regardless of the format or medium used, in the following cases:
(a) uses for the benefit of persons with a disability, which is directly related to the disability, to the extent required by the specific disability;

(b) reproduction, communication to the public or making available of published articles on current economic, political or religious topics or of broadcast works or other subject-matter of the same character, in cases where such use is not expressly reserved, and as long as the source, including the author's name, is indicated or use of works or other subject-matter in connection with the reporting of current events, to the extent justified by the informatory purpose and as long as the source, including the author's name, is indicated, unless this turns out to be impossible;

(c) quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, that, unless this turns out to be impossible, the source, including the author's name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purpose;

(d) uses for the purposes of public security or to ensure the proper performance or reporting

of administrative, parliamentary or judicial proceedings;

(e) use of political speeches as well as extracts of public lectures or similar works or subject-matter to the extent justified by the informatory purpose and provided that the source, including the author's name, is indicated, except where this turns out to be impossible;

(f) incidental inclusion of a work or other subject-matter in other material;

(g) uses for the purpose of caricature, parody or pastiche;

(h) uses in connection with the demonstration or repair of equipment, or the reconstruction of an original or a copy of a work;

(i) making of a back-up copy of a work by a person having a right to use it and insofar as it is necessary for that use;

2. Any other use that is analogous to the uses enumerated in paragraph 1 is permitted provided that the corresponding requirements of the relevant exceptions or limitations are met and the use does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the authors or rightholders, and taking account of the legitimate interests of third parties.

Or. en

Amendment 670
Julia Reda

Proposal for a directive
Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

Access for the purposes of research or private study to the collections of cultural heritage institutions or educational establishments

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive for the communication or making available of works and other subject matter contained in the collections of cultural heritage institutions, or educational establishments, for the purpose of research or private study, to members of the public on the premises of those institutions, or establishments and online.

2. Any contractual provision contrary to the exception set out in paragraph (1) shall be unenforceable.

Or. en

Amendment 671
Julia Reda

Proposal for a directive
Article 5 f (new)

Text proposed by the Commission

Amendment

Article 5 f
Mutual recognition of public domain provisions
Member States shall recognize works and other subject matter to be in the public domain if such works are exempted from copyright protection in the country of origin of the works.

Or. en

Amendment 672

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

L'article 5, paragraphe 5, et l'article 6, paragraphe 4, premier, troisième et cinquième alinéas, de la directive 2001/29/CE s'appliquent aux exceptions et à la limitation prévues dans le présent titre.

Amendment

1. L'accès au contenu couvert par une exception prévue dans la présente directive ne donne pas droit à l'utilisateur d'en faire une autre utilisation en application d'une autre exception.

2. L'article 5, paragraphe 5, et l'article 6, paragraphe 4, premier, troisième, quatrième et cinquième alinéas, de la directive 2001/29/CE s'appliquent aux exceptions et à la limitation prévues dans le présent titre.

Or. fr

Amendment 673

Julia Reda

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

Article 5(5) and the first, ***third*** and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Amendment

The first and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Or. en

Amendment 674

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Sauf dans les cas visés à l'article 17, la présente directive laisse intactes et n'affecte pas les exceptions et limitations prévues aux paragraphes 2 et 3 de l'article 5 de la directive 2001/29/CE, aux articles 6 et 9 de la directive 96/9/CE et aux articles 5 et 6 de la directive 2009/24/CE, notamment en ce qui concerne leur caractère facultatif.

Or. fr

Amendment 675
Julia Reda

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***Any contractual provision contrary to the
exceptions and limitations provided for in this
Directive shall be unenforceable.***

Or. en

Amendment 676

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Amendment

Use of out-of-commerce works by cultural
heritage institutions

Use of out-of-commerce works by cultural
heritage institutions, ***educational
establishments or other non-commercial
documentation centers***

Or. en

Amendment 677

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Amendment

Use of out-of-commerce works ***by cultural
heritage institutions***

Use of out-of-commerce works

Or. en

Amendment 678

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States ***shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution*** for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, ***such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation***, provided that:

1. Member States ***after consulting with rightholders and their representing organisations, cultural heritage institutions and other users, shall provide a legal mechanism enabling exclusive or non-exclusive licences*** for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, provided that:

Or. en

Amendment 679

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Les États membres **prévoient** que lorsqu'un organisme de gestion collective conclut, au nom de ses membres, un contrat de licence non exclusive à des fins non commerciales avec une institution de gestion du patrimoine culturel, en vue de la numérisation, la distribution, la communication au public ou la mise à disposition d'œuvres ou d'autres objets protégés indisponibles dans le commerce qui se trouvent en permanence dans la collection de l'institution, cette licence non exclusive peut être étendue, ou présumée s'appliquer, aux titulaires de droits de la même catégorie que ceux couverts par la licence qui ne sont pas représentés par l'organisme de gestion collective, à condition:

Amendment

1. Les États membres **peuvent prévoir, sans préjudice de leur modèle national concernant les œuvres indisponibles**, que lorsqu'un organisme de gestion collective conclut, au nom de ses membres, un contrat de licence non exclusive à des fins non commerciales avec une institution de gestion du patrimoine culturel, en vue de la numérisation, la distribution, la communication au public ou la mise à disposition d'œuvres ou d'autres objets protégés indisponibles dans le commerce qui se trouvent en permanence dans la collection de l'institution, cette licence non exclusive peut être étendue, ou présumée s'appliquer, aux titulaires de droits de la même catégorie que ceux couverts par la licence qui ne sont pas représentés par l'organisme de gestion collective, à condition:

Or. fr

Amendment 680

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall provide *that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:*

1. Member States shall provide *for an exception to the rights set out in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 4(1) of Directive 2009/24/EC, permitting cultural heritage institutions, educational establishments or other non-commercial documentation centers, to digitise, distribute, communicate to the public or make available out-of-commerce works or other subject-matter permanently in their collection for non-commercial purposes.*

Or. en

Amendment 681

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

*(a) the collective management organisation is, deleted
on the basis of mandates from rightholders,
broadly representative of rightholders in the
category of works or other subject-matter and
of the rights which are the subject of the
licence;*

Or. en

Amendment 682

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the ***collective management*** organisation ***is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;***

(a) the organisation ***in charge of granting licences is*** broadly representative of rightholders ***according to the law*** of the ***Member State;***

Or. en

Amendment 683

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

*(b) equal treatment is guaranteed to all
rightholders in relation to the terms of the
licence;*

deleted

Or. en

Amendment 684

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) Right-holders may at any time object to their works or other subject-matter being deemed to be out of commerce and may exclude their works from being made available on the secure electronic network of the cultural heritage institution.

Or. en

Amendment 685

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter. deleted

Or. en

Amendment 686

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

(c) all rightholders ***are duly informed and*** may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

Or. en

Amendment 687

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

When implementing the exception laid down in the first subparagraph, Member States may provide for remuneration schemes to compensate any unreasonable prejudice to the legitimate interests of rightholders.

Rightholders may at any time, on the basis of reasonable evidence, object to their works or other subject-matter being deemed to be out of commerce and be able to exclude the application of the exception laid down in the first subparagraph.

Or. en

Amendment 688

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) Member States shall, in consultation with rightsholders, collective management organisations and cultural heritage institutions, evaluate the effectiveness of such licensing solutions.

Or. en

Amendment 689

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

This legal mechanism may, among others, be based on extended collective licensing, a legal mandate or a presumption.

Or. en

Amendment 690
Julia Reda

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

This legal mechanism may, among others, be based on extended collective licensing, a legal mandate or a presumption.

Or. en

Amendment 691

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States may establish that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of out-of-commerce works or other subject-matter, to the extent that operational non-exclusive licences, concluded between a collective management organisation, on behalf of its member, and a cultural heritage institution, an educational establishment or another non-commercial documentation center, authorising the uses provided for in paragraph 1, exist and are easily available. In this case, such non-exclusive licences may be extended or presumed to apply to rightholders of the same category as those covered by the licences who are not represented by the collective management organisation, provided that:

(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;

(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;

(c) all rightholders may at any time, on the basis of reasonable evidence, object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

Or. en

Amendment 692

Julia Reda

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide for an exception or limitation to the rights provided for in Article 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of out-of-commerce works that are located in their collections available online, provided that:

(a) the name of the author or any other identifiable rightholder is indicated, unless this turns out to be impossible;

(b) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the exception to their works or other subject-matter.

Or. en

Amendment 693
Sergio Gaetano Cofferati

Proposal for a directive
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide for exceptions to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Article 5(a) and Article 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow cultural heritage institutions to make copies of out-of-commerce works that are permanently located in their collections publicly available for non-commercial purposes on their websites, provided that the name of the author or another identifiable rightholder is indicated, unless such indication turns out to be impossible.

Or. en

Amendment 694
Julia Reda

Proposal for a directive
Article 7 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Member States may provide that the exception adopted pursuant to paragraph 1a does not apply in sectors or for types of works where extended collective licensing-based solutions provided for in paragraph 1 are available. Member states shall, in consultation with authors, other rightholders, collective management organisations and cultural heritage institutions, determine the availability of extended collective licensing-based solutions for specific sectors or types of works.

Or. en

Amendment 695

Julia Reda

Proposal for a directive

Article 7 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 or used in accordance with paragraph 1a do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce. In any case, works that have first been published at least 10 years ago shall be deemed to be out of commerce, without prejudice to the possibility for rightholders to object to their works or other subject-matter being deemed to be out of commerce in accordance with paragraph 1 or 1a.

Or. en

Amendment 696
Julia Reda

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2.

deleted

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Or. en

Amendment 697

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so. **deleted**

Or. en

Amendment 698

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce ***and cannot be reasonably expected to become so.***

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary, ***easily accessible,*** channels of commerce. ***Out-of-commerce works shall also include works that have never been, or were never intended, to be in commerce.***

Or. en

Amendment 699

József Szájer, Andrea Bocskor

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its **translations**, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so **in the Member States where the cultural heritage institution is established.**

Or. en

Justification

Translations should not be included in the first subparagraph, because this approach does not take into consideration the linguistic and cultural diversity of the Member States. This approach may have a negative effect on cultural diversity, because certain language versions of a work may disappear as they cannot be considered out-of-commerce while another language version is still available. The out-of-commerce status shall be assessed in each country separately and not on the EU level.

Amendment 700

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall, in consultation with rightholders, collective management organisations **and** cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be ***licensed in accordance with paragraph 1*** do not extend beyond what is ***necessary and reasonable*** and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Amendment

Member States shall, in consultation with rightholders, collective management organisations, cultural heritage institutions, ***educational establishments or other non-commercial documentation centers***, ensure that the requirements used to determine whether works and other subject-matter can be ***deemed to be out of commerce***, do not extend beyond what is ***reasonable and proportionate*** and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Or. en

Amendment 701

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Member States shall provide that appropriate publicity measures are taken regarding:

3. Member States shall provide that appropriate ***and effective*** publicity measures are taken regarding:

Or. en

Amendment 702

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) ***the*** licence, and in particular its application to unrepresented rightholders;

(b) ***any*** licence, and in particular its application to unrepresented rightholders;

Or. en

Amendment 703

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 3 – point c – paragraph 1

Text proposed by the Commission

Amendment

the possibility of rightholders to object, referred to in point (c) of paragraph **1**;

the possibility of rightholders to object, referred to in ***the second subparagraph of paragraph 1 and in*** point (c) of paragraph ***1a***;

Or. en

Amendment 704

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 7 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. Member States shall ensure that the licences referred to in paragraph 1 are ***sought from a collective management organisation that is representative for*** the Member State where:

4. Member States shall ensure that the licences referred to in paragraph 1 are ***in*** the Member State where:

Or. en

Amendment 705

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 4 – point c

Text proposed by the Commission

(c) the cultural heritage institution is established, when a Member State or a third country could not be ***determined, after reasonable efforts***, according to points (a) and (b).

Amendment

(c) the cultural heritage institution, ***educational establishment or non-commercial documentation center*** is established, when a Member State or a third country could not be ***easily determined*** according to points (a) and (b).

Or. en

Amendment 706

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

***5. Paragraphs 1, 2 and 3 shall not apply to the deleted
works or other subject-matter of third country
nationals except where points (a) and (b) of
paragraph 4 apply.***

Or. en

Amendment 707
Julia Reda

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

Amendment

***5. Paragraphs 1, 2 and 3 shall not apply to the deleted
works or other subject-matter of third country
nationals except where points (a) and (b) of
paragraph 4 apply.***

Or. en

Amendment 708
Jytte Guteland

Proposal for a directive
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

Use at national level by cultural heritage institutions of works in their collection

Member States may provide that Article 7 shall not apply in situations where a collective agreement between an organisation and a cultural heritage institution concerning the use in that Member State of works or other subject matter in the collection of the institution, by virtue of national law, is extended to apply also to rights of rightholders not represented by the organisation.

Or. en

Amendment 709

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 8

Text proposed by the Commission

Amendment

Article 8

supprimé

Utilisations transfrontières

1. Les œuvres et autres objets protégés faisant l'objet d'une licence accordée conformément à l'article 7 peuvent être utilisés par l'institution de gestion du patrimoine culturel dans tous les États membres, dans le respect des conditions de la licence.

2. Les États membres veillent à ce que des informations permettant l'identification des œuvres ou autres objets protégés faisant l'objet d'une licence accordée conformément à l'article 7 ainsi que des informations sur la faculté d'opposition des titulaires de droits mentionnée à l'article 7, paragraphe 1, point c), soient accessibles au public, sur un portail internet unique, pendant au moins six mois avant que ces œuvres ou autres objets protégés soient numérisés, distribués, communiqués au public ou rendus disponibles dans des États membres autres que celui dans lequel la licence est accordée, et pendant toute la durée de la licence.

3. Le portail mentionné au paragraphe 2 est mis en place et géré par l'Office de l'Union européenne pour la propriété intellectuelle conformément au règlement (UE) n° 386/2012.

Amendment 710

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Les œuvres et autres objets protégés faisant l'objet d'une licence accordée conformément à l'article 7 peuvent être utilisés par l'institution de gestion du patrimoine culturel dans tous les États membres, dans le respect des conditions de la licence. ***supprimé***

Or. fr

Amendment 711
Julia Reda

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. Works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 may be used by the cultural heritage institution ***in accordance with the terms of the licence*** in all Member States.

Amendment

1. Works or other subject-matter ***used*** in accordance with Article 7 may be used by the cultural heritage institution in all Member States.

Or. en

Amendment 712

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 ***may be used by the*** cultural heritage ***institution in accordance with the terms of the licence*** in all Member States.

1. ***Out-of-commerce*** works or other subject-matter ***may be used***, in accordance with Article 7, ***by*** cultural heritage ***institutions*** in all Member States.

Or. en

Amendment 713

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Les États membres veillent à ce que des informations permettant l'identification des œuvres ou autres objets protégés faisant l'objet d'une licence accordée conformément à l'article 7 ainsi que des informations sur la faculté d'opposition des titulaires de droits mentionnée à l'article 7, paragraphe 1, point c), soient accessibles au public, sur un portail internet unique, pendant au moins six mois avant que ces œuvres ou autres objets protégés soient numérisés, distribués, communiqués au public ou rendus disponibles dans des États membres autres que celui dans lequel la licence est accordée, et pendant toute la durée de la licence.

supprimé

Or. fr

Amendment 714
Daniel Buda

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. Statele membre se asigură că informațiile care permit identificarea operelor sau a altor obiecte protejate care intră în domeniul de aplicare al unei licențe acordate în conformitate cu articolul 7 și informațiile privind posibilitatea titularilor de drepturi de a obiecta, menționată la articolul 7 alineatul (1) litera (c), sunt publicate pe un portal online unic cu cel puțin șase luni înainte ca operele sau alte obiecte protejate să fie digitalizate, distribuite, comunicate sau puse la dispoziția publicului în alte state membre decât cel în care se acordă licența și rămân la dispoziția publicului pe toată durata de valabilitate a licenței.

Amendment

2. Statele membre se asigură că informațiile care permit identificarea operelor sau a altor obiecte protejate care intră în domeniul de aplicare al unei licențe acordate în conformitate cu articolul 7 și informațiile privind posibilitatea titularilor de drepturi de a obiecta, menționată la articolul 7 alineatul (1) litera (c), sunt publicate pe un portal online unic, **accesibil publicului**, cu cel puțin șase luni înainte ca operele sau alte obiecte protejate să fie digitalizate, distribuite, comunicate sau puse la dispoziția publicului în alte state membre decât cel în care se acordă licența și rămân la dispoziția publicului pe toată durata de valabilitate a licenței.

Or. ro

Amendment 715
Julia Reda

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by ***a licence granted in accordance with*** Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Or. en

Amendment 716

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that information that allows the identification of the works or other subject-matter ***covered by a licence granted*** in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made ***publicly*** accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States ***other than the one where the licence is granted, and for the whole duration of the licence.***

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter ***used*** in accordance with Article 7 and information about the possibility of rightholders to object referred to in ***the second subparagraph of Article 7(1) and Article 7(1a)(c)*** are made ***permanently, easily and effectively*** accessible in a ***public*** single online portal, ***and in any case*** for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States.

Or. en

Amendment 717

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Le portail mentionné au paragraphe 2 est mis en place et géré par l'Office de l'Union européenne pour la propriété intellectuelle conformément au règlement (UE) n° 386/2012. **supprimé**

Or. fr

Amendment 718

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Amendment

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the ***effectiveness of the measures applied to implement the exception referred to in Article 7, including the*** relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Or. en

Amendment 719

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

Les *États* membres ***veillent à*** instaurer un dialogue régulier entre des organisations représentant les utilisateurs et les titulaires de droits, et toutes autres organisations de parties intéressées, afin d'accroître, sur une base sectorielle, la pertinence et l'utilité du système de licences visé à l'article 7, paragraphe 1, d'assurer l'efficacité des garanties protégeant les titulaires de droits mentionnées dans le présent chapitre, notamment en ce qui concerne les mesures de publicité, et, le cas échéant, de contribuer à la définition des critères visés à l'article 7, paragraphe 2, second alinéa.

Amendment

Les *Etats* membres ***peuvent*** instaurer un dialogue régulier entre des organisations représentant les utilisateurs et les titulaires de droits, et toutes autres organisations de parties intéressées, afin d'accroître, sur une base sectorielle, la pertinence et l'utilité du système de licences visé à l'article 7, paragraphe 1, d'assurer l'efficacité des garanties protégeant les titulaires de droits mentionnées dans le présent chapitre, notamment en ce qui concerne les mesures de publicité, et, le cas échéant, de contribuer à la définition des critères visés à l'article 7, paragraphe 2, second alinéa.

Or. fr

Amendment 720

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Exploitation of European audiovisual works on video-on-demand platforms

1. Member States shall ensure that producers and the transferees of the rights make their best efforts to make European audiovisual works available to the public on at least one video-on-demand platform.

2. Member States shall take appropriate measures to ensure the application of paragraph 1, including by encouraging the conclusion of professional agreements between representative organisations of authors, including their collective management organisations and representative organisations of producers and other stakeholders, as well as video-on-demand platforms, in a larger context of continuous exploitation of European audiovisual works.

Or. en

Amendment 721

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Exploitation of audiovisual works on video-on-demand platforms

1. Member States shall ensure that producers and the transferees of the rights make their best efforts to make European audiovisual works on at least one video-on-demand platform.

2. Member States shall take appropriate measures to ensure the application of paragraph 1, including by encouraging the conclusion of professional agreements between representative organisations of authors and representative organisations of producers and other stakeholders, as well as video-on-demand platforms in a larger of continuous exploitation of audiovisual works.

Or. en

Amendment 722

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Public domain

Member States shall ensure that once a work or other subject-matter is in the public domain, faithful reproductions, in any format or medium, in full or in part of that work or subject matter, which does not constitute a new work or subject matter, shall equally not be subject to copyright or related rights.

Or. en

Amendment 723

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Les États membres veillent à ce que, lorsque des parties qui souhaitent conclure un contrat en vue d'offrir des œuvres audiovisuelles sur des plateformes de vidéo à la demande rencontrent des difficultés en matière de licence de droits, elles puissent demander l'assistance d'un organisme impartial doté de l'expérience adéquate. Ledit organisme apporte son assistance dans la négociation et aide les parties à aboutir à un accord.

Amendment

Les États membres veillent à ce que, lorsque des parties qui souhaitent conclure un contrat en vue d'offrir des œuvres audiovisuelles sur des plateformes de vidéo à la demande rencontrent des difficultés en matière de licence de droits, elles puissent demander l'assistance d'un organisme impartial doté de l'expérience adéquate. Ledit organisme apporte son assistance dans la négociation et aide les parties à aboutir à un accord.

Le présent paragraphe n'est pas applicable à l'octroi des licences pour les oeuvres et autres objets protégés par les entités soumises aux articles 3 (a) et 2 (3) de la directive 2014/26/CE.

Or. fr

Amendment 724

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial **public** body with relevant experience. That body shall provide **impartial and affordable** assistance with negotiation and help reach agreements.

Or. en

Amendment 725
Jens Rohde

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of **audiovisual** rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Or. en

Justification

In order to address ambiguity it should be specified that this article concerns only the audiovisual licensing.

Amendment 726
Daniel Buda

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Statele membre se asigură că, în cazul în care părțile doritoare să încheie un acord pentru punerea la dispoziție a unor opere audiovizuale pe platforme de video la cerere se confruntă cu dificultăți legate de acordarea de licențe privind drepturile, acestea pot recurge la asistența unui organism imparțial cu experiență relevantă. Organismul respectiv oferă asistență pentru **negocieri și încheierea de acorduri**.

Amendment

Statele membre se asigură că, în cazul în care părțile **relevante** doritoare să încheie un acord pentru punerea la dispoziție a unor opere audiovizuale pe platforme de video la cerere se confruntă cu dificultăți legate de acordarea de licențe privind drepturile, acestea pot recurge la asistența unui organism imparțial cu experiență relevantă. Organismul respectiv oferă asistență pentru **facilitarea negocierilor**.

Or. ro

Amendment 727
Angel Dzhambazki

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where *parties* wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where *SMEs* wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Or. en

Justification

The amendment seeks to clarify the intention behind this article, as it is SME's, who are the parties facing difficulties to the licensing of rights.

Amendment 728
Julia Reda

Proposal for a directive
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 a

Union Legal Deposit

1. Member States shall ensure that publications covered by national legal deposit requirements and published within the Union or related to Union matters shall also be subject to a Union Legal Deposit.

2. The European Parliament Library shall be entitled to delivery, free of charge, of one copy of every publication referred to in paragraph 1.

3. The obligation set out in paragraph 1 shall be rendered under equivalent terms as the national deposit requirements and shall apply to publishers, printers and importers of publications for the works they publish, print or import in the Union. Member States shall allow for the bulk collection and bulk delivery of publications referred to in paragraph 1 by national libraries or other designated agents.

4. From the day of the delivery to the European Parliament Library, the publications referred to in paragraph 1 shall become part of the European Parliament Library permanent collection. They shall be made available to users of the European Parliament Library's services.

5. The Commission shall be empowered to adopt decisions and delegated acts to specify the modalities relating to the delivery to the European Parliament Library of publications referred to in paragraph 1 and also of publications created or published by the Union and its institutions.

Or. en

Amendment 729

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 bis

Les Etats membres veillent à ce que les producteurs et cessionnaires de droits soient tenus d'une obligation de recherche d'exploitation suivie des oeuvres audiovisuelles européennes incluant la mise à disposition du public des-dites oeuvres sur les plateformes de vidéo à la demande.

Les Etats membres prennent des mesures appropriées pour veiller à l'application de l'obligation de moyen prévue au paragraphe 1, notamment en encourageant la conclusion d'accords professionnels entre les organisations représentatives des auteurs et les organisations représentatives des producteurs et autres parties, ainsi que les plateformes de vidéo à la demande, dans un contexte d'exploitation suivie des oeuvres audiovisuelles.

Or. fr

Amendment 730

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10 ter

Les présentes dispositions sont sans préjudice de l'application des règles relatives à la chronologie des médias, de la liberté d'un producteur ou d'un distributeur de consentir des exclusivités d'exploitation pour les oeuvres audiovisuelles considérées, et de la liberté d'un diffuseur ou d'une plateforme de vidéo à la demande d'acquérir et de diffuser ou de mettre à disposition à la demande les oeuvres de son choix, dans le respect de sa liberté et responsabilité éditoriales.

Or. fr

Amendment 731

Julia Reda, Isabella Adinolfi, Jan Philipp Albrecht, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

- 1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.*
- 2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.*
- 3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.*
- 4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be*

*calculated from the first day of January of
the year following the date of publication.*

Or. en

Amendment 732

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 733
József Szájer, Andrea Bocskor

Proposal for a directive
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Justification

The introduction of a new neighbouring right for publishers regarding the online uses of certain specified publications as defined in Article 2 and in the related recitals is not reasonable. The planned new right would make a distinction between different types of journalistic publications and

it would not be based on whether such publications are protected by copyright but on certain other criteria. Therefore, it seems create be a parallel protection beside the copyright on certain publications.

Amendment 734

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Marju Lauristin

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

- 1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.***
- 2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.***
- 3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.***
- 4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.***

Or. en

Justification

The introduction of press publishers right is unnecessary as publishers are already protected by copyright law, based on transfers or licences of the author's rights from the respective authors. The challenges currently faced by news sector cannot be solved by granting additional rights. Approach

based on partnership negotiation, self-regulation, existing technical tools, new business models and most of all innovation, to preserve open access to information, is more suitable for the digital era.

Amendment 735

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

- 1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.***
- 2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.***
- 3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.***
- 4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.***

Or. en

Amendment 736
Pavel Svoboda

Proposal for a directive
Article 11

Text proposed by the Commission

Amendment

Článek 11

vypouští se

***Ochrana tiskových publikací v souvislosti s
digitálním užitím***

- 1. Členské státy poskytnou vydavatelům tiskových publikací práva stanovená v článku 2 a v čl. 3 odst. 2 směrnice 2001/29/ES k digitálnímu užití jejich tiskových publikací.***
- 2. Práva uvedenými v odstavci 1 nejsou dotčena a nijak ovlivněna žádná práva, která právní předpisy Unie poskytují autorům a jiným nositelům práv v souvislosti s díly a jinými předměty ochrany, které jsou součástí tiskové publikace. Těchto práv se nelze vůči těmto autorům a jiným nositelům práv dovolávat, a zejména je nesmí zbavit práva využívat svá díla a jiné předměty ochrany nezávisle na tiskové publikaci, jejíž jsou součástí.***
- 3. Ve vztahu k právům uvedeným v odstavci 1 se použijí obdobně články 5 až 8 směrnice 2001/29/ES a směrnice 2012/28/EU.***
- 4. Práva uvedená v odstavci 1 uplynou 20 let po zveřejnění tiskové publikace. Tato lhůta se počítá od prvního dne měsíce ledna roku následujícího po dni zveřejnění.***

Or. cs

Amendment 737

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection des publications de presse *en ce qui* Protection des publications de presse
concerne les utilisations numériques

Or. fr

Amendment 738

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Schutz von Presseveröffentlichungen ***im***
Hinblick auf digitale Nutzungen

Schutz von Presseveröffentlichungen

Or. de

Amendment 739

Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications ***concerning digital uses***

Protection of press publications

Or. en

Amendment 740

Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications ***concerning
digital uses***

Protection of press publications

Or. en

Amendment 741

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Maullu, Pascal Arimont

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications ***concerning digital uses***

Protection of press publications

Or. en

Amendment 742
Angel Dzhambazki

Proposal for a directive
Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications ***concerning***
digital uses

Protection of press publications

Or. en

Justification

The rights of publishers of press publications should encompass digital as well as analogue uses

Amendment 743

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications. ***deleted***

Or. en

Amendment 744
Jens Rohde

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications. ***deleted***

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 745

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications. ***deleted***

Or. en

Amendment 746
Axel Voss

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Die Mitgliedstaaten legen Bestimmungen fest, mit denen Presseverlage die in Artikel 2 und Artikel 3 Absatz 2 der Richtlinie 2001/29/EG genannten Rechte für die **digitale** Nutzung ihrer Presseveröffentlichung erhalten.

Amendment

1. Die Mitgliedstaaten legen Bestimmungen fest, mit denen Presseverlage die in Artikel 2 und Artikel 3 Absatz 2 der Richtlinie 2001/29/EG genannten Rechte für die Nutzung ihrer Presseveröffentlichung erhalten, ***einschließlich eines unverzichtbaren Rechts auf eine angemessene Vergütung für diese Nutzung. Das unverzichtbare Recht auf eine angemessene Vergütung kann ausschließlich durch eine Verwertungsgesellschaft durchgesetzt werden.***

Or. de

Amendment 747

Mady Delvaux, Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin, Sorin Moisă

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications ***and shall ensure that a fair share of the revenue derived from the uses of the press publishers right is attributed to journalists and other employees.***

Or. en

Amendment 748
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the **digital** use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC **and Article 3 and 9 of Directive 2006/115/EC** for the use of their press publications **and an unwaivable right to obtain an equitable remuneration for such use.**

Or. en

Justification

Publishers of press publications should be treated equally to other holders of ancillary rights such as film production companies, phonogram producers, broadcasting stations, etc. Therefore, their rights should encompass all the basic rights irrespective of digital and/or analogue use. The introduction of an unwaivable right to obtain an equitable remuneration would prevent market-dominating search engine operators from thwarting such a right, as was the case in Germany.

Amendment 749
Antanas Guoga, Eva Maydell

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with ***the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC*** for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with ***a presumption of representation of authors of literary works contained in publications and the legal possibility to sue in their own name when defending the rights of such author*** for the digital use of their press publications.

Or. en

Amendment 750
Kosma Złotowski

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC ***and Article 3 and 9 of Directive 2006/115/EC*** for the digital use of their press publications.

Or. en

Amendment 751

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Les États membres **confèrent** aux éditeurs de publications de presse les droits prévus à l'article 2 et à l'article 3, paragraphe 2, de la directive 2001/29/CE pour l'utilisation numérique de leurs publications de presse.

Amendment

1. Les États membres **peuvent conférer, s'ils en décident ainsi**, aux éditeurs de publications de presse les droits prévus à l'article 2 et à l'article 3, paragraphe 2, de la directive 2001/29/CE pour l'utilisation numérique de leurs publications de presse.

Or. fr

Amendment 752
Rosa Estaràs Ferragut

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Los Estados miembros reconocerán a las editoriales de publicaciones de prensa los derechos previstos en el artículo 2 y en el artículo 3, apartado 2, de la Directiva 2001/29/CE para el uso **digital** de sus publicaciones de prensa.

Amendment

1. Los Estados miembros reconocerán a las editoriales de publicaciones de prensa los derechos previstos en el artículo 2 y en el artículo 3, apartado 2, de la Directiva 2001/29/CE **y en los artículos 3 y 9 de la Directiva 2006/115/CE** para el uso de sus publicaciones de prensa.

Or. es

Justification

La propuesta sólo otorga derechos para usos digitales, mientras que el papel del editor y la inversión del editor en las empresas editoriales es para usos impresos y digitales, independientemente del método de difusión. Otros titulares de derechos conexo gozan de los derechos completos. Al sólo conceder derechos para usos digitales parece que la edición impresa no merece el mismo nivel de protección y no tiene en cuenta la reproducción, distribución y alquiler / préstamo no autorizado, No tener derechos análogos sería similar a no cubrir DVD y CDs para para los productores de películas.

Amendment 753

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Les États membres confèrent aux éditeurs de publications de presse les droits prévus à l'article 2 et à l'article 3, paragraphe 2, de la directive 2001/29/CE pour l'utilisation numérique de leurs publications de presse.

Amendment

1. Les États membres confèrent aux éditeurs de publications de presse ***et agences de presse*** les droits prévus à l'article 2 et à l'article 3, paragraphe 2, de la directive 2001/29/CE pour l'utilisation numérique de leurs publications de presse.

Or. fr

Amendment 754
Sajjad Karim

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** provide publishers of press publications ***with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC*** for the digital use of their press publications.

Amendment

1. Member States ***may*** provide publishers of press publications ***the legal capacity to sue in their own name when defending the rights of authors*** for the digital use of their press publications.

Or. en

Amendment 755

Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the ***digital*** use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the use of their press publications.

Or. en

Amendment 756

Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the ***digital*** use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the use of their press publications.

Or. en

Amendment 757

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Maullu, Pascal Arimont

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the ***digital*** use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the use of their press publications.

Or. en

Amendment 758

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Die Mitgliedstaaten legen Bestimmungen fest, mit denen Presseverlage die in Artikel 2 und Artikel 3 Absatz 2 der Richtlinie 2001/29/EG genannten Rechte für die **digitale** Nutzung ihrer Presseveröffentlichung erhalten.

Amendment

1. Die Mitgliedstaaten legen Bestimmungen fest, mit denen Presseverlage die in Artikel 2 und Artikel 3 Absatz 2 der Richtlinie 2001/29/EG genannten Rechte für die Nutzung ihrer Presseveröffentlichung erhalten.

Or. de

Amendment 759
Mady Delvaux

Proposal for a directive
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall ensure that the private and non-commercial use of content through links and other means, such as citations, are excluded from the provisions and rights laid down in paragraph 1 .

Or. en

Amendment 760
Angel Dzhambazki

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States may provide that rights set forth in paragraph 1 and related to the use of excerpts of press publications by search engines and other aggregators can be exercised by collective management organisations.

Or. en

Justification

Taking into consideration that there are different approaches regarding the enforcement of the right to equitable remuneration, the Directive should at least stipulate that Member States may enable collective management organisations to exercise the rights. A better enforcement is needed in order to provide publishers of press publications with sufficient bargaining power and to prevent strong market players from undermining their rights.

Amendment 761

Mary Honeyball, Virginie Rozière, Marc Tarabella, Pervenche Berès, Sorin Moisă, Theresa Griffin

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide publishers of press publications with an unwaivable right to obtain equitable remuneration for the use of their press publications.

Or. en

Amendment 762
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Member States shall provide for the following exception or limitation in respect of the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC with regard to the use by search engines and providers of services which process the content correspondingly:

(a) The reproduction of printed and electronic press publications for the purpose of indexing or other comparable systematic data capture, and making excerpts available to the public or embedding them in other ways in their own offers, by providers of search engines and providers of services which process the content correspondingly;

(b) Excerpts from press publications that are:

- textual content: text excerpt up to a length of [250] characters including spaces and heading;

- visual content: thumbnail up to a maximum resolution of [250 x 250] pixels;

- audio content: audio excerpt up to a maximum length of [30] seconds;

- video content: video excerpt up to a maximum length of [30] seconds;

Where a press publication is used within the meaning of point (a), the source is to be clearly cited at all times; the descriptors required for this purpose shall not be taken into account when determining the admissible excerpts set out in point (b).

Member States shall ensure that the providers of search engines and services which process the content correspondingly, as a compensation for the exception or limitation set out in points (a) and (b) and in the conditions set out in the second subparagraph,

shall be under obligation to set aside at least once a year a percentage of the revenues they have received from operating the search engine and/or from providing services which process the content correspondingly in the territory of the Member States during the year immediately preceding the year for which such compensation is to be paid. Such payments shall accrue in full to the holders of copyrights or ancillary rights, including the producers of the press publications. The expression "revenues" shall refer to the proceeds obtained by the providers of search engines and/or by providers of services which process the content correspondingly and payment in kind before the deduction of costs.

The Member States shall ensure that the publishers of press publications receive a minimum share of the remuneration to be paid pursuant to third subparagraph.

Or. en

Amendment 763
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. Member States shall ensure that the claim to payment of fair compensation as set out in third and fourth subparagraphs of paragraph 1b can only be exercised by collective management organisations in compliance with the following provisions:

(a) the claim is unwaivable and may only be assigned to a collective management organisation in advance; this shall not apply to any assignment of the claim by an author or a holder of ancillary rights to publishers of a press publication which contains the rightholder's work or subject-matter for the purpose of transferring it to a collective management organisation;

(b) to avoid imposing an unreasonable burden, the Member States may provide that the obligation to pay equitable compensation shall not apply to microenterprises if the payments are patently not in a reasonable ratio to the costs involved in collecting and administering the revenues;

(c) where a party entitled to a claim has not transferred the management of its claim to a collective management organisation, the organisation which manages claims of the same category shall be deemed to be mandated to manage that party's claim; in the event that more than one collective management organisation is eligible, those collective management organisations shall be deemed jointly mandated; should the party entitled to a claim choose a specific collective management organisation, then this organisation shall be deemed to be mandated.

(d) a party entitled to a claim shall have the same rights and obligations resulting from the agreement between the user and the collective management organisation which is deemed to be mandated to manage that party's right as

the parties to a claim which have mandated that collective management organisation; the party entitled to a claim may exercise its claim within a term, to be fixed by the Member State concerned which, calculated from the date upon which the relevant press publication excerpt has been made available to the public or otherwise embedded as set out in paragraph 1b, which may not be shorter than three years.

Or. en

Amendment 764
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1 d. At regular intervals, the Commission shall review the length of the press publications excerpts as set out in point (b) of paragraph 1b, as well as the amount of the fair compensation as set out in third and fourth subparagraphs of that paragraph and adopt any necessary amendments by means of delegated acts.

Or. en

Amendment 765
Jens Rohde

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The rights referred to in paragraph 1 shall ~~deleted~~ leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 766

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The rights referred to in paragraph 1 shall *deleted* leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. en

Amendment 767

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The rights referred to in paragraph 1 shall ~~leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.~~ deleted

Or. en

Amendment 768

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

2. Les droits visés au paragraphe 1 laissent intacts et n'affectent en aucune façon les droits conférés par le droit de l'Union aux auteurs et autres titulaires de droits, à l'égard des œuvres et autres objets protégés inclus dans une publication de presse. Ces droits sont inopposables aux auteurs et autres titulaires de droits et, en particulier, ne sauraient les priver de leur droit d'exploiter leurs œuvres et autres objets protégés indépendamment de la publication de presse dans laquelle ils sont inclus.

Amendment

2. Les droits visés au paragraphe 1 laissent intacts et n'affectent en aucune façon les droits conférés par ***les systèmes juridiques nationaux*** ***et*** le droit de l'Union aux auteurs et autres titulaires de droits, à l'égard des œuvres et autres objets protégés inclus dans une publication de presse. Ces droits sont inopposables aux auteurs et autres titulaires de droits et, en particulier, ne sauraient les priver de leur droit d'exploiter leurs œuvres et autres objets protégés indépendamment de la publication de presse dans laquelle ils sont inclus.

Or. fr

Amendment 769
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Amendment

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors, ***performers*** and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. en

Justification

Performers are in fact included and for coherency-purposes, this should be stated here as well.

Amendment 770

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Die in Absatz 1 genannten Rechte erstrecken sich nicht auf das Verknüpfen mit Hyperlinks, da dies keine Handlung der öffentlichen Wiedergabe darstellt.

Or. de

Amendment 771

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1. deleted

Or. en

Amendment 772
Jens Rohde

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

**3. Articles 5 to 8 of Directive 2001/29/EC and deleted
Directive 2012/28/EU shall apply mutatis
mutandis in respect of the rights referred to in
paragraph 1.**

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 773

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1. ***deleted***

Or. en

Amendment 774

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1. deleted

Or. en

Amendment 775

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Les *articles 5 à 8 de la directive 2001/29/CE et de la directive 2012/28/UE s'appliquent mutatis mutandis aux droits mentionnés au paragraphe 1.*

3. Les *agrégateurs d'information utilisent le contenu des éditeurs et agences de presse, et sont responsables des contenus qu'ils mettent à la disposition du public.*

Or. fr

Amendment 776

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

***3 bis. Les éditeurs et les agences de presse
doivent être également garantis face à
l'exploitation en masse de leurs contenus, et
notamment envers les agrégateurs
d'information au même titre que les titulaires
de droits, notamment au moyen de licences.***

Or. fr

Amendment 777
Jens Rohde

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

***4. The rights referred to in paragraph 1 shall deleted
expire 20 years after the publication of the
press publication. This term shall be calculated
from the first day of January of the year
following the date of publication.***

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 778

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

***4. The rights referred to in paragraph 1 shall deleted
expire 20 years after the publication of the
press publication. This term shall be calculated
from the first day of January of the year
following the date of publication.***

Or. en

Amendment 779

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. The rights referred to in paragraph 1 shall ~~expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.~~ deleted

Or. en

Amendment 780

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. The rights referred to in paragraph 1 shall ~~expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.~~ deleted

Or. en

Amendment 781

Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Maullu, Daniel Buda, Pascal Arimont

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

4. The rights referred to in paragraph 1 shall expire **20** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment

4. The rights referred to in paragraph 1 shall expire **15** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 782
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

4. The rights referred to in paragraph 1 shall expire **20** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment

4. The rights referred to in paragraph 1 shall expire **30** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 783

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

4. Die in Absatz 1 genannten Rechte erlöschen **20** Jahre nach der Veröffentlichung der Presseveröffentlichung. Die Berechnung dieser Zeitspanne erfolgt ab dem 1. Januar des auf den Tag der Veröffentlichung folgenden Jahres.

Amendment

4. Die in Absatz 1 genannten Rechte erlöschen **15** Jahre nach der Veröffentlichung der Presseveröffentlichung. Die Berechnung dieser Zeitspanne erfolgt ab dem 1. Januar des auf den Tag der Veröffentlichung folgenden Jahres.

Or. de

Amendment 784

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Die Mitgliedstaaten stellen sicher, dass die Journalisten, Autoren und sonstigen Rechteinhaber angemessen an der Vergütung beteiligt werden, die sich aus der Nutzung der in Absatz 1 genannten Rechte aufgrund einer Presseveröffentlichung ergibt.

Or. de

Amendment 785
Julia Reda

Proposal for a directive
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Provision of hyperlinks to works

The provision on a website of hyperlinks to works available on another website, where such links only contain information necessary to find or request the source's contents, shall not constitute a communication to the public.

Or. en

Amendment 786

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Claims to fair compensation

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 787
Julia Reda

Proposal for a directive
Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Claims to fair compensation

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 788

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

deleted

Or. en

Amendment 789

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

deleted

Or. en

Amendment 790
Jens Rohde

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

deleted

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 791

Enrico Gasbarra, Luigi Morgano, Silvia Costa, Mary Honeyball

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, ***that publisher is a rightholder by virtue and to the extent of*** such a transfer or a licence. ***Therefore, this transfer or licence*** constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception, ***statutory collective licensing*** or limitation to the transferred or licensed right.

Or. en

Amendment 792

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States **may** provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States **shall** provide that where an author has transferred, **assigned** or licensed a right, **including a right to claim a share of income**, to a publisher, such a transfer, **assignment** or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred, **assigned** or licensed right.

Or. en

Amendment 793
Angel Dzhambazki

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States may provide that where an author ***or performer*** has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 794

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Les États membres ont la faculté de prévoir une exception ou une limitation aux droits visés aux articles 2 et 3 de la directive 2001/29/CE pour permettre la mise à disposition du public d'oeuvres par des services automatisés de référencement d'images, à condition que les titulaires de droit reçoivent une compensation équitable.

Or. fr

Amendment 795

Tadeusz Zwiefka, Bogdan Brunon Wenta, Santiago Fisas Ayxelà, Ivo Belet, Virginie Rozière, Marc Tarabella, Hannu Takkula, Jean-Marie Cavada, Constance Le Grip

Proposal for a directive

Chapter 3 a (new)

Text proposed by the Commission

Amendment

Chapter 3 a

Protection of sport event organizers

Member States shall provide sport event organizers with the rights provided for in Article 2 and Article 3 (2) of Directive 2001/29/EC and Article 7 of Directive 2006/115/EC.

Or. en

Justification

Article 165(1) TFEU states that the Union is to contribute to the promotion of European sporting issues. The protection of intellectual property of sport event organisers has already been envisaged in recital 52 to Directive 2010/13/EU and was supported by the European Parliament in several reports on sport. The Court held in Joined cases C-403/08 and C-429/08, FAPL, EU:C:2011:631, that sporting events have a unique and original character worthy of protection comparable to the protection of works. To date five Member States have granted a neighbouring right to sport event organisers.

Amendment 796

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Chapter 4 – title

Text proposed by the Commission

Amendment

Certain uses of protected content by online services

Certain uses of protected content by ***the users of*** online services.

Or. en

Amendment 797

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Michel Reimon, Max Andersson, Brando Benifei

Proposal for a directive

Chapter 4 – title

Text proposed by the Commission

Amendment

Certain uses of protected content by online services

Certain uses of protected content by ***users of*** online services

Or. en

Amendment 798
Julia Reda

Proposal for a directive
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among

others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 799

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among

others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 800

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among

others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 801

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Amendment

Use of protected content *by* information society
service providers storing and giving access to
large amounts of works and other subject-
matter uploaded by their users

Use of protected content ***in certain*** information
society *services*.

Or. en

Amendment 802

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Amendment

Use of protected content *by* information society service providers *storing and giving access to large amounts of works and other subject-matter uploaded by their users*

Use of *copyright* protected content *uploaded by users of* information society service providers

Or. en

Amendment 803

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Amendment

Use of protected content by information society service providers storing and giving access to ***large*** amounts of works and other subject-matter uploaded by their users

Use of protected content by information society service providers storing and giving access to ***significant*** amounts of ***copyright protected*** works and other subject-matter uploaded by their users

Or. en

Amendment 804

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Amendment

Use of protected content by information society service providers storing ***and giving access to large amounts of works and other subject-matter uploaded*** by their users

Use of protected content by information society service providers storing ***information provided*** by their users

Or. en

Amendment 805

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Utilisation de contenus protégés par des prestataires de services de la société de l'information qui stockent et donnent accès à ***un grand nombre d'œuvres et*** d'autres objets protégés chargés par leurs utilisateurs

Amendment

Utilisation de contenus protégés par des prestataires de services de la société de l'information qui stockent et donnent accès à ***des œuvres ou*** d'autres objets protégés chargés par leurs utilisateurs

Or. fr

Amendment 806

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Amendment

Use of protected content by information society service providers storing and giving access to ***large amounts of*** works and other subject-matter uploaded by their users

Use of protected content by information society service providers storing and giving access to works and other subject-matter uploaded by their users

Or. en

Amendment 807

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter. ***deleted***

Or. en

Amendment 808

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Les prestataires de services de la société de l'information qui **stockent un grand nombre d'œuvres** ou d'autres objets protégés **chargés** par leurs utilisateurs **et qui donnent accès à ces œuvres** et autres objets **prennent**, en coopération avec les titulaires de **droits**, des mesures destinées à assurer le bon fonctionnement des accords conclus avec les **titulaires de droits** en ce qui concerne l'utilisation de leurs **œuvres** ou autres objets protégés **ou destinées** à empêcher la mise à disposition, par leurs services, **d'œuvres** ou d'autres objets protégés identifiés par les titulaires de droits en coopération avec les prestataires de services. Ces mesures, telles que le recours à des techniques efficaces de reconnaissance des contenus, doivent être appropriées et proportionnées. Les prestataires de services fournissent aux titulaires de droits des informations suffisantes sur le fonctionnement et la mise en place des mesures, ainsi que, s'il y a lieu, des comptes rendus réguliers sur la reconnaissance et l'utilisation des **œuvres** et autres objets protégés.

Amendment

1. Les prestataires de services de la société de l'information qui **mettent à disposition et proposent au public des œuvres** ou d'autres objets protégés **par le droit d'auteur mis à disposition** par leurs utilisateurs **sont tenus de conclure des contrats de licences avec les titulaires de droits qui le demandent, pour les droits de reproduction et de communication au public, à moins de pouvoir bénéficier de l'exemption de responsabilité prévue par l'article 14 de la directive 2000/31/CE. Au terme de ces contrats de licence, ces prestataires de services de la société prennent, en coopération avec les titulaires de droits, des mesures destinées à assurer le bon fonctionnement de ces contrats de licences en ce qui concerne l'utilisation de leurs œuvres ou autres objets protégés.**
Un prestataire de service de la société de l'information qui ne mettra pas en place des mesures techniques efficaces et rapides pour répondre aux demandes des ayants droit en application du présent article, ne pourra pas bénéficier de la protection prévue à l'article 14 (1) de la directive 2000/31/CE .

Sauf s'ils agissent à titre professionnel, la responsabilité des utilisateurs des services pour les actes relevant du droit d'auteur est couverte par les contrats de licences conclus avec les prestataires de services.

Les prestataires de services de la société de l'information qui jouent un rôle actif mais ne sont pas sollicités par les ayants droits pour conclure un accord de licence pour les œuvres et autres objets protégés qu'ils stockent et offrent au public, sont tenus de prendre, en coopération avec les ayants droits, des mesures destinées à empêcher la mise à disposition, par leurs services, d'œuvres ou d'autres objets

protégés identifiés par les titulaires de droit en coopération avec les prestataires de services.

Les prestataires de services qui peuvent se prévaloir de l'exemption de responsabilité prévue à l'article 14 de la directive 2000/31/CE mais stockent et offrent au public des quantités significatives d'oeuvres et autres objets protégés par le droit d'auteur, sont tenu de prendre, en coopération avec les ayants droit, des mesures destinées à assurer le bon fonctionnement des accords conclus avec les ayants droit en ce qui concerne l'utilisation de leurs oeuvres ou autres objets protégés, ou destinés à empêcher la mise à disposition, par leurs services, d'oeuvres ou d'autres objets protégés identifiés par les titulaires de droits en coopération avec les prestataires de services

Ces mesures, telles que le recours à des techniques efficaces de *la* reconnaissance des contenus, doivent être appropriées et proportionnées. Les prestataires de services fournissent aux titulaires de droits des informations suffisantes sur le fonctionnement et la mise en place des mesures, ainsi que s'il y a lieu, des comptes rendus réguliers sur la reconnaissance et l'utilisation des *oeuvres* et autres objets protégés. *De leur côté, les ayants droit fournissent aux prestataires de services les éléments nécessaires pour assurer le bon fonctionnement des mesures déployées par les prestataires de service.*

Or. fr

Amendment 809

Lidia Joanna Geringer de Oedenberg, Catherine Stihler

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of ***works or other subject-matter*** uploaded by their users shall, ***in cooperation*** with rightholders, ***take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

Amendment

1. Information society service providers that store and provide to the public access to large amounts of ***copyright protected content*** uploaded by their users shall ***conclude agreements*** with rightholders, ***unless they fall under the scope of Articles 12, 13, 14 and 15 of Directive 2000/31/EC.***

User uploads, storing and granting public access to that upload, amount to a single use that shall be covered by one agreement.

Rightholders and information society services shall conduct negotiations in good faith. Agreements shall be fair and balanced and take into account the interests of users of information society services. In particular, rightholders shall offer the conclusion of pan-European agreements.

The implementation of such agreements shall respect users' rights under the Charter of Fundamental Rights of the European Union.

No obligation shall be imposed on service providers to monitor the information which they transmit or store, nor an obligation shall be imposed upon them to actively seek facts or circumstances indicating illegal activity.

This Article is without prejudice to the ability of rightholders to request the removal of infringing content in accordance with Directive 2000/31/EC.

Member States shall ensure that agreements provide adequate level of transparency, legal certainty and predictability to users, without prejudice to trade and commercial secrets.

Where appropriate, reporting shall be conducted under the conditions set out by Directive 2014/26/EU.

Justification

Internet today is the most crucial source of information available to many users. Making online service providers responsible for the uploaded content, including texts, videos or images to be filtered and monitored is against users' interests and the rights of creators. Monitoring and filtering large volume of materials before it is uploaded on the web will not only be only financially challenging for small companies, but it will change the Internet as we know. The eCommerce directive provides for a well balanced practice with removal of the illegal content following the notification.

Amendment 810

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to **large amounts of** works or other subject-matter uploaded by their users **shall, in cooperation with** rightholders, **take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.**

Amendment

1. **Member States shall ensure that any licencing agreement between** information society service providers, that store and provide to the public access to **protected** works or other subject-matter uploaded by their users, **and** rightholders, shall **include :**

Or. en

Amendment 811
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Los proveedores de servicios de la sociedad de la información que almacenen y faciliten acceso público a grandes cantidades de obras u **otras prestaciones cargadas** por sus usuarios **adoptarán**, en cooperación con los titulares de derechos, **las** medidas **pertinentes** para asegurar el correcto funcionamiento de los acuerdos celebrados con los titulares de derechos para el uso de sus obras u otras prestaciones o para impedir que estén disponibles en sus servicios obras u otras prestaciones identificadas por los titulares de los derechos en cooperación con los proveedores de servicios. Esas medidas, como el uso de técnicas efectivas de reconocimiento de contenidos, serán adecuadas y proporcionadas. Los proveedores de servicios proporcionarán a los titulares de derechos información adecuada sobre el funcionamiento y el despliegue de las medidas, así como, en su caso, información adecuada sobre el reconocimiento y uso de las obras y otras prestaciones.

Amendment

1. Los proveedores de servicios de la sociedad de la información que almacenen y faciliten acceso público a **obras u otras prestaciones cargadas por sus usuarios realizan un acto de comunicación al público o de puesta a disposición de este. En casos donde aquellos proveedores de servicios almacenen y faciliten acceso a** grandes cantidades de obras u **de otros materiales cargados** por sus usuarios, **los proveedores de servicios**, en cooperación con los titulares de derechos, **tomarán** medidas **efectivas** para asegurar el correcto funcionamiento de los acuerdos celebrados con los titulares de derechos para el uso de sus obras u otras prestaciones o para impedir que estén disponibles en sus servicios obras u otras prestaciones identificadas por los titulares de los derechos en cooperación con los proveedores de servicios. Esas medidas, como el uso de técnicas efectivas de reconocimiento de contenidos, serán adecuadas y proporcionadas. Los proveedores de servicios proporcionarán a los titulares de derechos información adecuada sobre el funcionamiento y el despliegue de las medidas, así como, en su caso, información adecuada sobre el reconocimiento y uso de las obras y otras prestaciones.

Or. es

Amendment 812

Sergio Gaetano Cofferati, Silvia Costa

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, ***in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or*** to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. ***Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate.*** The service providers shall provide rightholders with adequate information on the functioning ***and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

Amendment

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall ***either conclude agreements with rightholders for the use of their works or other subject-matter and take measures, in cooperation with rightholders, to ensure the functioning of such agreements or take measures*** to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. ***The measures referred to in the first sentence shall be appropriate and proportionate and shall respect users' rights and process personal data according to Directive 95/46/EC and the General Data Protection Regulation.*** The service providers shall provide rightholders with adequate information on the functioning ***of those measures, as well as, when relevant, adequate reporting on the use of the works and other subject-matter. This paragraph shall cover all the service providers which play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, and that are therefore not covered by Article 14 of Directive 2000/31/EC.***

Or. en

Amendment 813

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to **large** amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders **through the cooperation with the service providers**. Those measures, such as the use of effective content recognition technologies, shall be appropriate **and proportionate**. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to **significant** amounts of **copyright protected** works or other subject-matter uploaded by their users **and perform an act of communication to the public** shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or, **in case such agreements have not been concluded**, to prevent the availability on their services of works or other subject-matter identified by rightholders. Those measures, such as the use of effective content recognition technologies, shall be appropriate, **proportionate and compliant with the relevant industry standards**. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the **rightholders' own** works and other subject-matter **in a commonly agreed reporting format**. **The rightholders shall provide the service providers with the necessary data to allow the services to identify their content, such as reference files and metadata.**

Or. en

Amendment 814

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Diensteanbieter der Informationsgesellschaft, die große Mengen der von ihren Nutzern hochgeladenen Werke und sonstigen Schutzgegenstände ***in Absprache*** mit den Rechteinhabern ***speichern oder öffentlich zugänglich machen***, ergreifen Maßnahmen, um zu gewährleisten, dass die mit den Rechteinhabern geschlossenen Vereinbarungen, die die Nutzung ihrer Werke oder sonstigen Schutzgegenstände regeln, ***oder die die Zugänglichkeit der von den Rechteinhabern genannten Werke oder Schutzgegenstände über ihre Dienste untersagen, eingehalten werden. Diese Maßnahmen wie beispielsweise wirksame Inhaltserkennungstechniken müssen geeignet und angemessen sein. Die Diensteanbieter müssen gegenüber den Rechteinhabern in angemessener Weise darlegen, wie die Maßnahmen funktionieren und eingesetzt werden und ihnen gegebenenfalls über die Erkennung und Nutzung ihrer Werke und sonstigen Schutzgegenstände Bericht erstatten.***

Amendment

1. Diensteanbieter der Informationsgesellschaft, die große Mengen der von ihren Nutzern hochgeladenen ***urheberrechtlich geschützten*** Werke und sonstigen Schutzgegenstände ***speichern oder öffentlich zugänglich machen und damit über die bloße Bereitstellung der physischen Einrichtung hinaus gehen und somit eine Handlung der öffentlichen Wiedergabe durchführen, sind zum Abschluss von Lizenzvereinbarungen mit den Rechteinhabern verpflichtet. Diese Diensteanbieter fallen nicht unter den Haftungsausschluss nach Artikel 14 der Richtlinie 2000/31/EC des Europäischen Parlaments und des Rates, da dieser nur für vollständig neutrale und passive Anbieter von Onlinediensten gilt. Diese Diensteanbieter ergreifen in Absprache mit den Rechteinhabern*** Maßnahmen, um zu gewährleisten, dass die mit den Rechteinhabern geschlossenen Vereinbarungen, die die Nutzung ihrer Werke oder sonstigen Schutzgegenstände regeln, ***eingehalten werden. Diensteanbieter, die unter den Haftungsausschluss nach Artikel 14 der Richtlinie 2000/31/EC fallen, ergreifen in Absprache mit den Rechteinhabern*** Maßnahmen, um zu gewährleisten, dass die ***Zugänglichkeit der von den Rechteinhabern genannten Werke oder Schutzgegenstände über ihre Dienste untersagt wird.***

Or. de

Amendment 815

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to **large** amounts of works or other subject-matter uploaded by their users shall, **in cooperation with** rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter **or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.**

Amendment

1. Information society service providers that store and provide to the public access to **significant** amounts of **copyright-protected** works or other subject-matter uploaded by their users shall **enter into fair licensing agreements with any requesting rightholder of such works or other subject matter. Under the terms of such agreements concluded with the** rightholders, **such information society service providers shall** take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter.
Where information society service providers are eligible to the liability exemption provided for in Article 14 of Directive 2000/31/EC but store and provide access to the public to significant amounts of copyright-protected works or other subject matter, such information society service providers shall take measures to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers.

Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate.

Or. en

Amendment 816

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store ***and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

Amendment

1. Information society service providers that store ***information provided by a recipient of the service and enable users to upload works in such a way as to make them available to the public shall, upon obtaining knowledge or awareness that an uploaded work subject to copyright and other related rights is used in an unauthorised manner, act expeditiously to remove or to disable access to the content, except where service providers conclude a licensing agreement with rightholders enabling the content to remain available.***

Or. en

Amendment 817
Luis de Grandes Pascual

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to ***works or other subject-matter uploaded by their users perform an act of communication or making available to the public. In cases where those service providers store and provide access to*** large amounts of works or other subject-matter uploaded by their users, ***the service providers*** shall, in cooperation with rightholders, take ***effective*** measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Justification

In order to provide legal certainty about the status of UUC services that build their businesses on the use of copyright content, it is necessary to clarify that UUC services that store and provide access to protected content fall under copyright.

Amendment 818

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that ***store and provide*** to the public ***access to large amounts of works or other subject-matter uploaded by their users*** shall, in cooperation with ***rightholders***, ***take*** measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other ***subject-matter*** or to prevent the availability on their services of works or other ***subject-matter*** identified by rightholders through the cooperation with ***the*** service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works ***and other subject-matter***.

Amendment

1. Information society service providers that ***are actively involved in making available digital content uploaded by their users, including by promoting and curating*** to the public ***copyright protected work and with knowledge of the copyright protected content in question***, shall, in cooperation with ***rightholders in the creative sectors***, ***take effective*** measures to ensure the functioning of agreements concluded with rightholders for the use of their ***digital content***, works or other ***subject matter*** or to prevent the availability on their services of ***digital content***, works or other ***subject matter*** identified by rightholders through the cooperation with ***active*** service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The ***active*** service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the ***digital content***, works ***or other subject matter***.

Or. en

Amendment 819

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate, ***and shall ensure the protection of individual user data as far as possible, in compliance with Directive 95/46/EC and Directive 2002/58/EC, and the General Data Protection Regulation.*** The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 820

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store ***and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate.*** The service providers shall provide rightholders with ***adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

Amendment

1. ***Where*** information society service providers that store ***information provided by recipients of the service, conclude agreements*** with rightholders, ***the implementation of such agreements shall respect the users' fundamental rights and shall in particular not convey an obligation upon the information society service provider to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.*** The service providers shall ***cooperate and work together with rightholders to ensure that the functioning and implementation of such agreements are full and transparent towards the users.***

Or. en

Amendment 821
Stefano Maullu

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. I prestatori di servizi della società dell'informazione che ***memorizzano e danno pubblico accesso a grandi quantità*** di opere ***o altro materiale caricati*** dagli utenti ***adottano, in collaborazione con i titolari dei diritti,*** misure ***miranti a*** garantire il funzionamento degli accordi ***con essi conclusi per l'uso*** delle loro opere ***o altro materiale*** ovvero volte ad impedire che talune opere o altro materiale identificati dai titolari dei diritti mediante la collaborazione con gli stessi prestatori siano messi a disposizione sui loro servizi. Tali misure, quali l'uso di tecnologie efficaci per il riconoscimento dei contenuti, sono adeguate e proporzionate. I prestatori di servizi forniscono ai titolari dei diritti informazioni adeguate sul funzionamento e l'attivazione delle misure e, se del caso, riferiscono adeguatamente sul riconoscimento e l'utilizzo delle opere e altro materiale.

Amendment

1. I prestatori di servizi della società dell'informazione che, ***indipendentemente dalla natura del mezzo utilizzato a tal fine, sono coinvolti nella messa a disposizione del pubblico*** di opere ***di terzi caricate*** dagli utenti ***e qualora tale attività non sia di natura puramente tecnica, automatica e passiva*** ***adottano*** misure ***adeguate e proporzionate per*** garantire il funzionamento degli accordi ***obbligatoriamente conclusi con i titolari dei diritti per l'utilizzo*** delle loro opere, ovvero volte ad impedire che talune opere o altro materiale identificati dai titolari dei diritti mediante la collaborazione con gli stessi prestatori siano messi a disposizione sui loro servizi. Tali misure, quali l'uso di tecnologie efficaci per il riconoscimento dei contenuti, sono adeguate e proporzionate. I prestatori di servizi forniscono ai titolari dei diritti informazioni adeguate sul funzionamento e l'attivazione delle misure e, se del caso, riferiscono adeguatamente sul riconoscimento e l'utilizzo delle opere e altro materiale.

Or. it

Amendment 822

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public ***access to large amounts of*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter ***or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate.*** The service providers shall ***provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant,*** adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide ***access*** to the public ***to copyright-protected*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take ***reasonable and appropriate*** measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter. ***Those measures may take into account various available technological developments that would be appropriate for the nature of services of the information society provider.*** The service providers shall ***cooperate with rightholders and provide them with*** adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 823
Jens Rohde

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to **significantly** large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of **license** agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate **and shall ensure the fair redistribution of value towards the rightholders**. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Justification

It is important to introduce a de minimis threshold in order to limit these obligations to information society service providers which are hosting indeed above the average large amounts of copyright protected material in order to avoid bureaucratic or financial burden for SMEs. The aim of the Article should be the sharing of generated value with the rightholders.

Amendment 824
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Los proveedores de servicios de la sociedad de la información que almacenen y faciliten acceso público a **grandes cantidades** de obras u otras prestaciones cargadas por sus usuarios adoptarán, en cooperación con los titulares de derechos, las medidas pertinentes para asegurar el correcto funcionamiento de los acuerdos celebrados con los titulares de derechos para el uso de sus obras u otras prestaciones o para impedir que estén disponibles en sus servicios obras u otras prestaciones identificadas por los titulares de los derechos en cooperación con los proveedores de servicios. Esas medidas, como el uso de técnicas efectivas de reconocimiento de contenidos, serán adecuadas y proporcionadas. Los proveedores de servicios proporcionarán a los titulares de derechos información adecuada sobre el funcionamiento y el despliegue de las medidas, así como, en su caso, información adecuada sobre el reconocimiento y uso de las obras y otras prestaciones.

Amendment

1. Los proveedores de servicios de la sociedad de la información que almacenen y faciliten acceso público a **una cantidad significativa** de obras u otras prestaciones cargadas por sus usuarios adoptarán, en cooperación con los titulares de derechos, las medidas pertinentes para asegurar el correcto funcionamiento de los acuerdos celebrados con los titulares de derechos para el uso de sus obras u otras prestaciones o para impedir que estén disponibles en sus servicios obras u otras prestaciones identificadas por los titulares de los derechos en cooperación con los proveedores de servicios. Esas medidas, como el uso de técnicas efectivas de reconocimiento de contenidos, serán adecuadas y proporcionadas, **ajustándose a las normas sectoriales pertinentes**. Los proveedores de servicios proporcionarán a los titulares de derechos información adecuada sobre el funcionamiento y el despliegue de las medidas, así como, en su caso, información adecuada **y puntual** sobre el reconocimiento y uso de las obras y otras prestaciones.

Or. es

Amendment 825
Daniel Buda

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. În cooperare cu titularii de drepturi, furnizorii de servicii ale societății informaționale care stochează **cantități mari de** opere sau alte obiecte protejate încărcate de utilizatorii lor și oferă publicului acces la acestea iau măsuri pentru a asigura funcționarea acordurilor încheiate cu titularii de drepturi pentru utilizarea operelor lor sau a altor obiecte protejate sau pentru a împiedica punerea la dispoziție, prin intermediul serviciilor lor, a operelor sau a altor obiecte protejate identificate de către titularii de drepturi în cadrul cooperării cu furnizorii de servicii. Măsurile respective, cum ar fi utilizarea de tehnologii eficiente de recunoaștere a conținutului, sunt adecvate și proporționale. Furnizorii de servicii prezintă titularilor de drepturi informații adecvate privind funcționarea și aplicarea măsurilor, precum și, dacă este cazul, rapoarte adecvate privind recunoașterea și utilizarea operelor și a altor obiecte protejate.

Amendment

1. În cooperare cu titularii de drepturi, furnizorii de servicii ale societății informaționale care stochează, **indexează, clasifică** opere sau alte obiecte protejate încărcate de utilizatorii lor și **care** oferă publicului acces la acestea iau măsuri **eficiente** pentru a asigura funcționarea acordurilor încheiate cu titularii de drepturi pentru utilizarea operelor lor sau a altor obiecte protejate sau pentru a împiedica punerea la dispoziție **neautorizată**, prin intermediul serviciilor lor, a operelor sau a altor obiecte protejate identificate de către titularii de drepturi în cadrul cooperării cu furnizorii de servicii. Măsurile respective, cum ar fi utilizarea de tehnologii eficiente de recunoaștere a conținutului, sunt adecvate și proporționale. Furnizorii de servicii prezintă titularilor de drepturi informații adecvate privind funcționarea și aplicarea măsurilor, precum și, dacă este cazul, rapoarte adecvate privind recunoașterea și utilizarea operelor și a altor obiecte protejate.

Or. ro

Amendment 826

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) an obligation for the information service provider to take measures, such as the use of content recognition technologies, to ensure the effective functioning of the agreement concluded for the use of the protected works or other subject-matters;

Or. en

Amendment 827

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) the coverage of the content uploaded by the users, as well as their liability, including where they perform an act of reproduction and/or of communication to the public, insofar they act on a non-professional basis.

Or. en

Amendment 828

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where information society service providers take the measures referred to in paragraph 1, such measures shall not violate any privacy rights of the users, and shall be in compliance with Directives 95/46/EC and 2002/58/EC, as well as the General Data Protection Regulation. Measures to prevent the availability of copyright protected works or other subject-matter shall be limited to preventing the availability of specifically identified and duly notified works and shall not consist in an active monitoring of all the data of each user of the service.

Or. en

Amendment 829

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall ensure that in the absence of a licencing agreement as referred to in paragraph 1, either because it was not required by rightholders or because the information society service provider is eligible to the liability exemption regime set out in Article 14 of Directive 2000/31/EC, information service providers shall take measures to prevent the availability on their services of protected works or other subject-matter identified by rightholders through the cooperation with the service providers.

Or. en

Amendment 830

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Rightholders shall provide the information society service providers with the necessary data to ensure the proper functioning of the measures deployed by the providers in application of paragraph 1. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter

.

Or. en

Amendment 831

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Die in Absatz 1 genannten Maßnahmen beinhalten beispielsweise wirksame Inhaltserkennungstechniken. Sie müssen geeignet und angemessen sein. Sämtliche Diensteanbieter müssen gegenüber den Rechteinhabern in angemessener Weise darlegen, wie die Maßnahmen funktionieren und eingesetzt werden und ihnen gegebenenfalls über die Erkennung und Nutzung ihrer Werke und sonstigen Schutzgegenstände Bericht erstatten.

Or. de

Amendment 832

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In order to be valid, the notification of an unauthorised protected content shall include, in particular, the identification by the right holder of the work subject to copyright and related rights claimed to have been infringed and the identification of the uploaded work, including its exact location, that is considered to be using work subject to copyright and related rights.

Or. en

Amendment 833

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In order to ensure the transparency of the agreements mentioned in paragraph 1, rightholders shall provide, in a publicly accessible database, all the necessary data related to the holder of the right, the protected subject matter and relevant territories, in order to allow the service providers to identify accurately their content.

Or. en

Amendment 834
Antanas Guoga

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***1 a. For this purpose, rightholders shall
provide service providers with accurately
identified works or subject matter over which
they enjoy rights.***

Or. en

Amendment 835

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. In order to ensure a proportionate implementation of the voluntary agreements mentioned in paragraph 1, Member States shall take appropriate measures to ensure that rightholders and information society service providers make available to the beneficiary of an exception or limitation provided for in national law in accordance with Article 5 of Directive 2001/29 and with [Articles XXX of this Directive] the means of benefiting from that exception or limitation, to the extent necessary to benefit from that exception or limitation.

Or. en

Amendment 836

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The measures, referred to in paragraphs 1 and 1a shall be appropriate and proportionate.

Or. en

Amendment 837

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. For the purpose of ensuring a proper application of the measures referred to in paragraphs 1 and 1a :

a) rightholders shall provide information society service providers with all relevant and necessary information in order to identify protected works and other-subject matter available on their services, and

b) the service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures referred to in paragraphs 1 and 1a, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 838

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. *deleted*

Or. en

Amendment 839

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. ***These mechanisms shall in particular ensure that where the removal of the content referred to in paragraph 1 is not justified, the content in question shall be reinstated online within a reasonable time. As a last resort, Member States shall ensure the possibility of judicial redress.***

Or. en

Amendment 840

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Les États membres veillent à ce que les prestataires de services visés au paragraphe 1 mettent en place des dispositifs de plainte et de recours à l'intention des utilisateurs pour les litiges relatifs à l'application des mesures visées au paragraphe 1.

Amendment

2. Les États membres veillent à ce que les prestataires de services visés au paragraphe 1 mettent en place des dispositifs de plainte et de recours à l'intention des utilisateurs pour les litiges relatifs à l'application des mesures visées au paragraphe 1, ***y compris concernant le contenu chargé par les utilisateurs qui serait retiré sans raison valable par les prestataires de services. L'ayant droit concerné devra traiter de la plainte dans un délai raisonnable et fournir une justification adéquate pour les droits qu'il revendique.***

Or. fr

Amendment 841
Daniel Buda

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Statele membre se asigură că furnizorii de servicii menționați la alineatul (1) instituie mecanisme de reclamații și despăgubiri de care să dispună utilizatorii în caz de litigiu cu privire la aplicarea măsurilor menționate la alineatul (1).

Amendment

2. Statele membre se asigură că furnizorii de servicii menționați la alineatul (1) instituie mecanisme de reclamații și despăgubiri de care să dispună utilizatorii în caz de litigiu cu privire la aplicarea măsurilor menționate la alineatul (1), ***în special în ceea ce privește posibila aplicare a unei excepții sau a unei autorizații de utilizare referitoare la conținutul în cauză. Aceste mecanisme nu aduc atingere în mod nejustificat eficacității măsurilor prevăzute la alineatul (1).***

Or. ro

Amendment 842
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Los Estados miembros velarán por que los proveedores de servicios contemplados en el apartado 1 implanten mecanismos de reclamación y recurso a los que puedan acceder los usuarios en caso de litigio sobre la aplicación de las medidas a que se refiere el apartado 1.

Amendment

2. Los Estados miembros velarán por que los proveedores de servicios contemplados en el apartado 1 implanten mecanismos de reclamación y recurso a los que puedan acceder los usuarios en caso de litigio sobre la aplicación de las medidas a que se refiere el apartado 1, ***en particular en lo referente a la posible aplicación de una excepción o una autorización de uso relacionada con el contenido en cuestión. Tales mecanismos no deberán perjudicar sin razón la efectividad de las medidas contempladas en el apartado 1.***

Or. es

Justification

En algunos casos, el contenido subido por los usuarios de los servicios UUC puede verse afectado por las medidas implementadas, por ejemplo cuando está cubierto por una excepción. Por lo tanto, es necesario aclarar que el mecanismo de reclamaciones y compensación debe tener esto en cuenta, al mismo tiempo que no afecte a la aplicación de las medidas.

Amendment 843

Lidia Joanna Geringer de Oedenberg, Catherine Stihler

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that ***the service providers*** referred to in paragraph 1 ***put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures*** referred to in paragraph 1.

Amendment

2. Member States shall ensure that ***end users have the means to communicate effectively with the rightholders who have requested the measures*** referred to in paragraph 1 ***in order to challenge the application of those measures such as when they are applied to a use which falls under a copyright limitation or exception or to public domain material. Services*** referred to in paragraph 1 ***shall not be required to disclose the identity of users to rightholders.***

Or. en

Amendment 844
Antanas Guoga

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure ***and provide measures*** that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Or. en

Amendment 845

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that *the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.*

2. Member States shall ensure that *national law provides users with access to a court or other relevant authority for the purpose of asserting their right of use under an exception or limitation.*

Or. en

Amendment 846

Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in *paragraph 1*.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in *paragraphs 1 and 1a*.

Or. en

Amendment 847
Stefano Maullu

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 bis. Le misure di cui al paragrafo 1 sono attuate fatto salvo l'utilizzo delle opere nell'ambito di un'eccezione o limitazione del diritto d'autore e fatto salvo l'utilizzo di contenuti originali creati dagli utenti. A tal fine, gli Stati membri garantiscono che agli utenti sia consentito comunicare rapidamente ed efficacemente con i titolari dei diritti che hanno chiesto le misure di cui al paragrafo 1 al fine di contestare l'applicazione di tali misure.

Or. it

Amendment 848

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The agreements referred to in paragraph 1 shall be implemented without prejudice to the use of works made within an exception or limitation to copyright. To this end, Member States shall ensure that users are allowed to communicate rapidly and in an effective manner with the rightholders who have requested any measures within the scope of agreements referred to in paragraph 1 in order to challenge the application of those measures.

Or. en

Amendment 849

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 bis. En ce qui concerne les litiges relatifs à l'application des mesures visées au paragraphe 1, notamment en ce qui concerne l'application d'une possible exception ou d'une autorisation d'utilisation pour le contenu concerné, les mécanismes ne peuvent pas causer de préjudice injustifié à l'efficacité des mesures visées dans le paragraphe 1.

Or. fr

Amendment 850

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In order to ensure uniform protection of users and right holders across the Union, the European Commission shall develop guidelines on the conditions that need to be met for the validity of the notification referred to in paragraph 1a and for the complaint and redress mechanisms referred to in paragraph 2.

Or. en

Amendment 851

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Any complaint filed under the mechanism referred to in paragraph 2 shall be dealt with by the relevant rightholder within a reasonable period of time and in an effective manner. The rightholder shall provide due justification for the rights it claims.

Or. en

Amendment 852

Tiemo Wölken, Dietmar Köster

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where a user makes use of the complaints and redress mechanisms referred to in paragraph 2, service providers and rightholders whose content is involved in any such conflict or dispute shall be obliged to resolve such conflict or dispute in a timely manner.

Or. en

Amendment 853

**Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Marju Lauristin,
Josef Weidenholzer**

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***2 a. Member States shall ensure that users
have access to a court or other relevant
judicial authority.***

Or. en

Amendment 854

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Member States shall provide that disputes between rightholders and information society service providers concerning the application of paragraph 1 of this Article may be submitted to an alternative dispute resolution mechanism. Member States shall create or designate an impartial body with relevant expertise to assist the parties in the resolution of their dispute under the mechanism provided for in the first subparagraph of this paragraph.

No later than [date mentioned in Article 21(1)] Member States shall notify to the Commission the body referred to in second subparagraph of this paragraph.

Or. en

Amendment 855

Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments. *deleted*

Or. en

Amendment 856

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

**3. Member States shall facilitate, where *deleted*
appropriate, the cooperation between the
information society service providers and
rightholders through stakeholder dialogues to
define best practices, such as appropriate and
proportionate content recognition
technologies, taking into account, among
others, the nature of the services, the
availability of the technologies and their
effectiveness in light of technological
developments.**

Or. en

Amendment 857

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues ***to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.***

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues.

Or. en

Justification

Copyright legislation should regulate activities and not technologies. Since the rationale of this article is to encourage collaboration, it is necessary to have a wording that is not restrictive and leaves enough flexibility for all parties to discuss what serves their mutual interests

Amendment 858

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments. ***In cooperation with the Member States, the Commission shall encourage the exchange of best practices regarding the results of any cooperation established pursuant to paragraph 1 of this Article.***

Or. en

Amendment 859

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers ***and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.***

Amendment

3. ***The Commission, in cooperation with*** Member States shall facilitate, where appropriate, the cooperation between the information society service providers ***referred to in paragraph 1, users and right holders through stakeholder dialogues to define best practices for the implementation of paragraph 1.***

Or. en

Amendment 860

Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. Les États membres favorisent, lorsque c'est utile, la coopération entre les prestataires de services de la société de l'information et les titulaires de droits, grâce à des dialogues entre parties intéressées, afin de définir de bonnes pratiques, telles que les techniques appropriées et proportionnées de reconnaissance des contenus, compte tenu, notamment, de la nature des services, de la disponibilité des outils techniques et de leur efficacité au vu des évolutions technologiques.

Amendment

3. Les États membres favorisent, lorsque c'est utile, la coopération entre les prestataires de services de la société de l'information et les titulaires de droits, grâce à des dialogues entre parties intéressées, afin de définir de bonnes pratiques, telles que les techniques appropriées et proportionnées de reconnaissance des contenus, compte tenu, notamment, de la nature des services, de la disponibilité des outils techniques et de leur efficacité au vu des évolutions technologiques. ***La Commission encourage l'échange de bonnes pratiques dans toute l'Union européenne.***

Or. fr

Amendment 861
Antanas Guoga

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***such as appropriate and proportionate content recognition technologies***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***of measures that are proportionate and effective to ensure the protection of rightholders' works or other subject matter***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 862
Luis de Grandes Pascual

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall *facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

Amendment

3. Member States shall *ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1, in particular regarding the possible application of an exception or an authorisation of use relating to the content concerned. Such mechanisms shall not unreasonably prejudice the effectiveness of measures referred to in paragraph 1.*

Or. en

Justification

In some cases the content uploaded by users on UUC services can be affected by the implemented measures, for instance when it is covered by an exception. Therefore, it is necessary to clarify that the complaints and redress mechanism needs to take this into account, while at the same time not affecting the implementation of the measures.

Amendment 863
Sergio Gaetano Cofferati

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***such as appropriate and proportionate content recognition technologies***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 864

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall ensure that where service providers take voluntary measures, these measures do not infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with Articles 8 and 11 of the Charter of Fundamental Rights of the European Union, in particular their rights to the use of works made within an exception or limitation to copyright.

Or. en

Amendment 865
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 bis. Los Estados miembros deberán implementar soluciones proporcionadas y disuasorias en caso de incumplimiento de las obligaciones dispuestas en el apartado 1.

Or. es

Justification

Es una práctica común que cuando una propuesta legislativa introduce una obligación específica, también debe haber una disposición correspondiente sobre sanciones en caso de incumplimiento de la obligación prescrita.

Amendment 866

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall implement proportionate and dissuasive remedies for non-compliance with the obligations set out in paragraph 1.

Or. en

Amendment 867

**Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis,
Marc Tarabella, Pervenche Berès, Theresa Griffin**

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Licensing agreements for information society service providers that store and/or provide access to the public to significant amounts of copyright protected works or other subject-matter uploaded by their users

1. Information society service providers that store and/or provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public and of reproduction, shall conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council.

2. Service providers that play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, are not eligible for the safe harbour liability exemption.

3. Licenses acquired by information society service providers shall cover all the acts of their individual users, which are not for direct or indirect economic or commercial advantage.

Or. en

Amendment 868

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Protection of audiovisual authors for the making available of their works

1. Member States shall ensure that when an audiovisual author has transferred or assigned his making available right to a producer, that author shall retain the right to obtain a fair and proportionate remuneration.

2. This right to obtain a fair and proportionate remuneration for the making available of the author's work is inalienable and cannot be waived.

3. The administration of this right to obtain a fair and proportionate remuneration for the making available of the author's work shall be entrusted to collective management organisations representing audiovisual authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to audiovisual authors for their making available right.

4. Authors' collective management organisations shall collect the fair and proportionate remuneration from audiovisual media services making audiovisual works available to the public.

Or. en

Amendment 869

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

User Generated Content

Member States shall provide for an exception to the rights provided for in Articles 2, 3, and 4 of Directive 2001/29/EC, Article 5 and Article 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, Articles 7(1) and 8(1) of Directive 2006/115/EC and Article 11 (1) of this Directive in order to allow natural persons to use an existing work or other subject-matter in the creation of a new work or other subject-matter and use the new work or other subject-matter, provided that:

(a) the work or other subject-matter has already been lawfully made available to the public;

(b) the source, including, if available, the name of the author, performer, producer, or broadcaster - is indicated;

(c) there is a certain level of creativity in the new work which substantially differentiates it from the original work.

Or. en

Amendment 870
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 bis

Derecho irrenunciable de remuneración

1. Los Estados miembros velarán por que el autor de una obra audiovisual tenga derecho a obtener una remuneración equitativa, cuando haya transferido o cedido su derecho de puesta a disposición a un productor audiovisual.

2. Este derecho a obtener una remuneración equitativa por la puesta a disposición de la obra del autor es irrenunciable e intransmisible.

3. La gestión de este derecho de remuneración equitativa por la puesta a disposición de la obra del autor se confiará a las entidades de gestión colectiva que representen a los autores de la obra audiovisual.

4. Las entidades de gestión colectiva de los autores de la obra audiovisual recaudarán la remuneración equitativa de los servicios audiovisuales que pongan las obras audiovisuales a disposición del público.

Or. es

Justification

Este derecho debe basarse en los ingresos que se perciben por la explotación comercial de la obra audiovisual, siendo responsable del pago, la plataforma o distribuidora final que pone las obras audiovisuales a disposición del público, garantizando así una remuneración financiera proporcional para el autor por la explotación real de la obra. La administración de este derecho debe confiarse a las entidades de gestión colectiva, centralizando los pagos como una suerte de ventanilla única, que facilita su liquidación por los usuarios, y otorga mayor seguridad jurídica en el mercado.

Amendment 871

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Modification to Directive 2001/29/EC

Directive 2001/29/EC shall be amended as follows:

The following Article shall be added:

Article 5(3) bis

User Generated Content

Member States shall provide for an exception or limitation to the rights set out in Articles 2, 3 and 4 for the use by natural persons of an existing work or other subject-matter in the creation of a new work or other subject-matter, provided that:

(a) the work or other subject-matter has already been lawfully made available to the public;

(b) the source, including, if available, the name of the author, is indicated;

(c) there is a certain level of originality in the new work.

This exception is without prejudice to the exceptions and limitations provided for in Article 5.

Or. en

Amendment 872
Julia Reda

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Right of use under an exception or limitation

1. Member States shall ensure that national law provides users with the necessary mechanisms, including the possibility of access to court, to exercise the right of use a work or other subject matter in application of an exception or limitation under this Directive, Directive 2001/29/EC, Directive 96/09/EC, Directive 2009/24/EC and Directive 2012/28/EU.

2. The right of use of a work or other subject-matter in accordance to paragraph 1 shall not be limited by technological measures in application of Article 6 of Directive 2001/29/EC.

Or. en

Amendment 873
Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 bis

Les Etats membres prévoient que les différends entre les ayants-droit et les services de la société de l'information concernant l'application du paragraphe 1 de l'article 13 peuvent être soumis à un système alternatif de règlement des conflits.

Les Etats membres créent ou désignent un organisme impartial et disposant de l'expertise

nécessaire dans le but d'aider les parties à résoudre leur différend au titre de ce système.

Pas plus tard que (date mentionnée dans l'article 21(1)) les Etats membres informent la Commission de la mise en place de cet organisme.

Or. fr

Amendment 874

Pascal Durand, Helga Trüpel, Bart Staes

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Where a performer has transferred or assigned the exclusive right of making available on demand, and independent of any agreed terms for such transfer or assignment, the performer shall have the right to obtain an equitable remuneration to be paid by the user for the making available to the public of his fixed performance. The right of the performer to obtain an equitable remuneration for the making available to the public of his performance shall be unwaivable and collected and administered by a performers' collective management organization.

Or. en

Amendment 875

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Unwaivable right to remuneration

Member States shall ensure that when an author has transferred or assigned his making available right to a producer, that author shall retain the right to obtain equitable remuneration. This right is unwaivable and inalienable. This right can be entrusted to collective management organisations representing authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to authors for their making available right.

Or. en

Justification

An unwaivable and inalienable right to remuneration for authors would ensure a financial reward for them, proportional to the real exploitation of their works, without hindering or complicating the exploitation chain of their works.

Amendment 876

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, Frédérique Ries

Proposal for a directive

Chapter 4 a (new)

Text proposed by the Commission

Amendment

**CHAPITRE 2 BIS
PROTECTION DES AUTEURS
AUDIOVISUELS POUR LA MISE A
DISPOSITION DE LEURS OEUVRES**

Article -14

1. Les Etats membres prévoient que lorsqu'un auteur ou artiste interprète ou un exécutant d'une oeuvre audiovisuelle cède son droit de mise à disposition du public à un producteur, il conserve le droit d'obtenir une rémunération équitable et proportionnelle aux recettes d'exploitation de l'oeuvre, sous réserve que ces mesures ne soient pas incluses dans le contrat initial.

2. Ce droit à une rémunération équitable et proportionnelle est incessible et ne peut pas faire l'objet d'une renonciation.

Or. fr

Amendment 877
Stefano Maullu

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Gli Stati membri provvedono a che gli autori *e* gli artisti (interpreti o esecutori) ricevano, periodicamente e tenendo conto delle *specificità* di ciascun settore, informazioni tempestive, adeguate e sufficienti sullo sfruttamento delle loro opere ed esecuzioni da parte di coloro ai quali hanno concesso in licenza o trasferito i diritti, in particolare *per quanto riguarda le modalità di sfruttamento*, i proventi generati e la remunerazione dovuta.

Amendment

1. "Gli Stati membri provvedono a che gli autori, gli artisti (interpreti o esecutori), *gli editori, i produttori e i loro rispettivi aventi causa, nell'ambito degli accordi di licenza di cui all'articolo 13*, ricevano, periodicamente e tenendo conto delle *specificità* di ciascun settore, informazioni *e rendicontazioni* tempestive, adeguate, *accurate* e sufficienti sullo sfruttamento delle loro opere, *rappresentazioni* ed esecuzioni, da parte di coloro ai quali hanno concesso in licenza o trasferito i diritti, in particolare *indicando le modalità di sfruttamento, le modalità di promozione*, i proventi generati e la remunerazione dovuta".

Or. it

Amendment 878

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate **and sufficient** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers, ***who are in a contractual relationship where there are ongoing payment obligations***, receive on a regular basis and ***no less than once a year and*** taking into account the specificities of each sector, timely, adequate, ***accurate and comprehensive*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, ***or their successors in title***, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Justification

The legal relationship and status of authors and performers, the time of their payment obligations, as well as the quality of the obtained information shall be clear and workable.

Amendment 879
Julia Reda

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors ***and performers*** receive on a regular basis and taking into account the specificities of each sector, timely, ***adequate and sufficient*** information on the exploitation of ***their*** works and performances from those to whom ***they have*** licensed or ***transferred their rights***, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors, ***performers, and those bodies who use public money for the purchase of content***, receive on a regular basis and taking into account the specificities of each sector, timely, ***and comprehensive*** information on the exploitation of works and performances from those to whom ***or by whom works are*** licensed or ***rights are transferred***, notably as regards modes of exploitation, ***payments made***, revenues generated and remuneration due. ***Such information should be made freely available in the public domain.***

Or. en

Amendment 880
Jens Rohde

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers ***in case of contracts with ongoing payment obligations*** receive on a regular basis, ***and at least once a year***, and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights ***or from any other third party holding such information***, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Justification

Performers of commissioned productions should not be excluded from a right of information. The information should at least be received once per year as is the usual practice in the sector and be limited to contracts with payment obligations.

Amendment 881
Axel Voss

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Die Mitgliedstaaten gewährleisten, dass die Urheber und ausübenden Künstler **regelmäßig** und unter Berücksichtigung der sektorspezifischen Besonderheiten, zeitnahe, angemessene und hinreichende Informationen über die Verwertung ihrer Werke und Darbietungen vor allem im Hinblick auf die Art der Verwertung, die erzielten Einnahmen und die fällige Vergütung von denjenigen erhalten, denen sie Lizenzrechte erteilt oder an die sie Rechte übertragen haben.

Amendment

1. Die Mitgliedstaaten gewährleisten, dass die Urheber und ausübenden Künstler **auf Anfrage maximal einmal jährlich** und unter Berücksichtigung der sektorspezifischen Besonderheiten, zeitnahe, angemessene und hinreichende Informationen über die Verwertung ihrer Werke und Darbietungen vor allem im Hinblick auf die Art der Verwertung, die erzielten Einnahmen und die fällige Vergütung von denjenigen erhalten, denen sie Lizenzrechte erteilt oder an die sie Rechte übertragen haben. **Dieser Anspruch gilt nicht für untergeordnete Werkbeiträge.**

Or. de

Amendment 882

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, ***timely, adequate and sufficient*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis, ***and no less than once a year*** and taking into account the specificities of each sector, ***accurate and comprehensive*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, ***including subsequent transferees or licensees***, notably as regards modes of exploitation, ***promotion***, revenues generated and remuneration due.

Or. en

Amendment 883

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, ***accurate***, timely, adequate and sufficient information on the exploitation ***and promotion*** of their works and performances from those to whom they have licensed or transferred their rights, ***including subsequent transferees or licensees***, notably as regards modes of ***promotion***, exploitation, revenues generated and remuneration due.

Or. en

Amendment 884
Antanas Guoga

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and ***no less than once a year and*** taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights ***or their successors in title***, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 885

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Die Mitgliedstaaten gewährleisten, dass die Urheber und ausübenden Künstler regelmäßig und unter Berücksichtigung der sektorspezifischen Besonderheiten, zeitnahe, angemessene und hinreichende Informationen über die Verwertung ihrer Werke und Darbietungen vor allem im Hinblick auf die Art der Verwertung, die erzielten Einnahmen und die fällige Vergütung von denjenigen erhalten, denen sie Lizenzrechte erteilt oder an die sie Rechte übertragen haben.

Amendment

1. Die Mitgliedstaaten gewährleisten, dass die Urheber und ausübenden Künstler regelmäßig, **aber nicht seltener als ein Mal pro Jahr**, und unter Berücksichtigung der sektorspezifischen Besonderheiten, **genaue**, zeitnahe, angemessene und hinreichende Informationen über die Verwertung **und Bewerbung** ihrer Werke und Darbietungen vor allem im Hinblick auf die Art der Verwertung, die erzielten Einnahmen und die fällige Vergütung von denjenigen erhalten, denen sie Lizenzrechte erteilt oder an die sie Rechte übertragen haben.

Or. de

Amendment 886
Jytte Guteland

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, ***adequate and sufficient*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and ***remuneration*** due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, ***accurate and comprehensive*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, ***the direct and indirect*** revenues generated and ***the remunerations*** due.

Or. en

Amendment 887

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances ***from those to whom they have licensed or transferred their rights***, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances , notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 888

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, ***modes of promotion***, revenues generated and remuneration due.

Or. en

Amendment 889
Therese Comodini Cachia

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, ***modes of promotion***, revenues generated and remuneration due.

Or. en

Amendment 890

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate ***and sufficient*** information on the exploitation of their works and performances from those to whom ***they have*** licensed or ***transferred*** their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, ***accurate and comprehensive*** information on the exploitation of their works and performances from those to whom ***their works are*** licensed or their rights ***are transferred***, notably as regards ***all*** modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 891
Pavel Svoboda

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation ***and promotion***, revenues generated and remuneration due.

Or. en

Amendment 892

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, ***adequate and sufficient*** information on the exploitation of their works and performances from those to whom ***they have*** licensed or ***transferred*** their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, ***accurate and comprehensive*** information on the exploitation of their works and performances from those to whom ***their works are*** licensed or their rights ***are transferred***, notably as regards ***all*** modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 893

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Virginie Rozière, Sergio Gaetano Cofferati, Mary Honeyball

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, ***adequate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 894
Julia Reda

Proposal for a directive
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. If those to whom the authors' or performers' works have been licensed or transferred, have licensed themselves the works or transferred themselves the rights to third parties, then authors and performers and those bodies who use public money for the purchase of content, shall also be able to rely upon the provision of information in accordance with paragraph 1 from those third parties, provided that the third parties' acts of usage are substantial for the commercial exploitation of the work.

Or. en

Amendment 895

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member states shall provide that producers compulsorily communicate, free of charge, to collective management organisations for the purpose of effective administration of rights, complete and accurate information as is necessary in order to identify the use of the work or other subject matter and the corresponding right-holders.

Or. en

Amendment 896
Victor Negrescu

Proposal for a directive
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Deținătorii și intermediarii de drepturi de autor au responsabilitatea de a întreprinde acțiuni concrete pentru a se evita difuzarea de conținut care încalcă drepturile de autor.

Or. ro

Amendment 897
Victor Negrescu

Proposal for a directive
Article 14 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Deținătorii și intermediarii de drepturi de autor au responsabilitatea de a integra coduri și sisteme de verificare automată în conținutul difuzat.

Or. ro

Amendment 898
Stefano Maullu

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

<p>2. L'obbligo di cui al paragrafo 1 è proporzionato ed effettivo e garantisce un livello adeguato di trasparenza in ogni settore. Tuttavia, nel caso in cui l'onere amministrativo da esso derivante fosse sproporzionato rispetto ai proventi generati dallo sfruttamento dell'opera o esecuzione, gli Stati membri possono adeguare l'obbligo di cui al paragrafo 1, a condizione che esso continui a sussistere e garantisca un livello di trasparenza adeguato.</p>	<p>soppresso</p>
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Or. it

Amendment 899
Julia Reda

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure **an appropriate** level of transparency in every sector. *However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.*

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure **a high** level of transparency in every sector.

Or. en

Amendment 900

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. ***However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.***

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector.

Or. en

Amendment 901

Lidia Joanna Geringer de Oedenberg, Virginie Rozière, Sergio Gaetano Cofferati, Evelyn Regner, Jytte Guteland, Mary Honeyball

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. ***However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.***

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector.

Or. en

Amendment 902

Mary Honeyball, Virginie Rozière, Julie Ward, Marc Tarabella, Pervenche Berès, Theresa Griffin

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. ***However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.***

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector, ***as well as author's right to audit.***

Or. en

Amendment 903

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector, ***as well as authors' right to audit***. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1 ***under the condition that the level of disproportionality is duly justified, and*** provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

Justification

Allowing exceptions to transparency such as in those cases where the resulting "administrative burden" would be "disproportionate in view of the revenues generated by the work" is too general and could lead therefore to abuses of the right to transparent reporting. To prevent this it is required that any derogation from the reporting obligation must be duly justified.

Amendment 904
Pavel Svoboda

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall ***be proportionate and effective and shall ensure an appropriate level*** of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Amendment

2. The obligation in paragraph 1 shall ensure ***a high degree*** of transparency in every sector, ***as well as authors' right to audit***. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1 ***only if the level of disproportionality could be justified, and*** provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

Amendment 905
Emil Radev

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. Задължението по параграф 1 трябва да е съразмерно и ефективно и да гарантира **подходяща** степен на прозрачност във всеки сектор. При все това, в случаите, в които произтичащата от задължението административна тежест би била несъразмерна с оглед на получените от използването на производението или изпълнението приходи, държавите членки могат да адаптират задължението по параграф 1, при условие че задължението запази своята ефективност и гарантира **подходяща** степен на прозрачност.

Amendment

2. Задължението по параграф 1 трябва да е съразмерно и ефективно и да гарантира **висока** степен на прозрачност във всеки сектор, **както и правото на одит от страна на авторите**. При все това, в случаите, в които произтичащата от задължението административна тежест би била несъразмерна с оглед на получените от използването на производението или изпълнението приходи, държавите членки могат да адаптират задължението по параграф 1, при условие че задължението запази своята ефективност и гарантира **висока** степен на прозрачност.

Or. bg

Amendment 906
Antanas Guoga

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall ***be proportionate and effective and shall ensure an appropriate level*** of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Amendment

2. The obligation in paragraph 1 shall ensure ***a high degree*** of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, ***under the condition that the level of disproportionality is duly justified***, provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

Amendment 907

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. Die in Absatz 1 genannte Pflicht muss angemessen und wirksam sein und ein **angemessenes** Maß an Transparenz in jedem Sektor gewährleisten. Ist jedoch der Verwaltungsaufwand aufgrund dieser Pflicht im Verhältnis zu den durch die Verwertung des Werks oder der Darbietung erzielten Einnahmen unverhältnismäßig hoch, können die Mitgliedstaaten die in Absatz 1 genannte Pflicht anpassen, sofern diese wirksam bleibt und ein angemessenes Maß an Transparenz gewährleistet ist.

Amendment

2. Die in Absatz 1 genannte Pflicht muss angemessen und wirksam sein und ein **hohes** Maß an Transparenz in jedem Sektor gewährleisten. Ist jedoch der Verwaltungsaufwand aufgrund dieser Pflicht im Verhältnis zu den durch die Verwertung des Werks oder der Darbietung erzielten Einnahmen unverhältnismäßig hoch, können die Mitgliedstaaten die in Absatz 1 genannte Pflicht anpassen, sofern diese wirksam bleibt und ein angemessenes Maß an Transparenz gewährleistet ist.

Or. de

Amendment 908

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure that sector-specific standard reporting statements and procedures are developed through stakeholder dialogues.

Or. en

Amendment 909

Lidia Joanna Geringer de Oedenberg, Virginie Rozière, Sergio Gaetano Cofferati, Mary Honeyball

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

**3. Member States may decide that the *deleted*
obligation in paragraph 1 does not apply when
the contribution of the author or performer is
not significant having regard to the overall
work or performance.**

Or. en

Amendment 910

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance. *deleted*

Or. en

Amendment 911
Julia Reda

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may decide that the *deleted*
obligation in paragraph 1 does not apply when
the contribution of the author or performer is
not significant having regard to the overall
work or performance.

Or. en

Amendment 912
Pavel Svoboda

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may decide that the *deleted*
obligation in paragraph 1 does not apply when
the contribution of the author or performer is
not significant having regard to the overall
work or performance.

Or. en

Amendment 913

Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

**3. Member States may decide that the *deleted*
obligation in paragraph 1 does not apply when
the contribution of the author or performer is
not significant having regard to the overall
work or performance.**

Or. en

Amendment 914
Jens Rohde

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. ***Member States may decide that*** the obligation in paragraph 1 does not apply when the contribution of the author or performer ***is not significant having*** regard to the overall work or performance.

Amendment

3. The obligation in paragraph 1 does not apply when the contribution of the author or performer ***has no relevance with*** regard to the overall work or performance ***or when reporting obligations have been agreed by the parties, for example through collective bargaining agreements which are reflected in the terms of the contract with the author or performer or which are otherwise applicable.***

Or. en

Justification

The exception would need to be more concise. To avoid creating further layers of burdensome administrative and financial obligations, renegotiation of contracts should not be possible in the event that collective bargaining agreements already apply.

Amendment 915
Antanas Guoga

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. ***Member States may decide that*** the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

Amendment

3. The obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance ***or when reporting obligations have been agreed by parties, for instance through collective bargaining agreements which are reflected in terms of the contract.***

Or. en

Amendment 916
Axel Voss

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. Die Mitgliedstaaten können festlegen, dass die in Absatz 1 genannte Pflicht keine Anwendung findet, wenn der Beitrag des Urhebers oder ausübenden Künstlers vor dem Hintergrund des Gesamtwerks oder der Gesamtdarbietung nicht erheblich ist.

Amendment

3. Die Mitgliedstaaten können festlegen, dass die in Absatz 1 genannte Pflicht keine Anwendung findet, wenn der Beitrag des Urhebers oder ausübenden Künstlers vor dem Hintergrund des Gesamtwerks oder der Gesamtdarbietung nicht erheblich ist ***oder wenn es keine nennenswerte Verbindung zwischen dem spezifischen Werk oder der Darbietung und den Vergütungsverpflichteten gibt.***

Or. de

Amendment 917

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States *may decide* that the *obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.*

3. Member States *shall ensure* that the *representative organizations of relevant stakeholders determine sector-specific standard reporting statements and procedures and foster in particular automated processing making use of digital technologies and international identifiers of works.*

Or. en

Justification

The wording of this paragraph is too vague and could potentially undermine the effectiveness of the whole article. This derogation shall be therefore deleted. Concrete situations shall be addressed in the sector-specific standard reporting statements and procedures to be negotiated at national level.

Amendment 918

Mary Honeyball, Virginie Rozière, Julie Ward, Marc Tarabella, Pervenche Berès, Mady Delvaux

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States *may decide* that the *obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.*

3. Member States *shall ensure* that the *representative organisations of relevant stakeholders determine sector-specific standard reporting statements and procedures and foster automated processing making use of digital technologies and international identifiers of works.*

Or. en

Amendment 919
Daniel Buda

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. ***Statele membre pot decide că*** obligația menționată la alineatul (1) nu se aplică în cazul în care contribuția autorului ori a artistului interpret sau executant nu este semnificativă având în vedere opera ori interpretarea sau execuția în ansamblu.

Amendment

3. Obligația menționată la alineatul (1) nu se aplică în cazul în care ***obligația de transparență a fost stabilită deja prin acordul părților sau*** contribuția autorului ori a artistului interpret sau executant nu este semnificativă având în vedere opera ori interpretarea sau execuția în ansamblu.

Or. ro

Amendment 920
Julia Reda

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU. *deleted*

Or. en

Amendment 921

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. Paragraph 1 shall not be applicable to ***entities*** subject to the transparency obligations established by Directive 2014/26/EU.

4. Paragraph 1 shall not be applicable to ***agreements*** subject to the transparency obligations established by Directive 2014/26/EU ***or to agreements with collective management organisations or agreements with individual authors or performers, which are based on collective bargaining or equivalent provisions.***

Or. en

Amendment 922
Julia Reda

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14 a

Establishment of a central database

1. The Commission is empowered to take measures for the establishment of a central database enabling the electronic transfer of data on works subject to copyright and other related rights from existing databases of collective management organisations and providing the possibility for independent authors or performers to submit individually the data related to their respective works.
2. The database shall provide the following non exhaustive information regarding the work subject to copyright and related rights :

(a) the type of use

(b) the means of distribution

(c) the territory

(d) the duration of the copyright

(e) the name of the holder(s) of the relevant rights

(d) the organisation or person managing the rights

(f) the rights metadata

3. For the purpose of paragraph 1, collective management organisations shall make their databases available in the public domain.

4. The database shall provide to the user the possibility to request, obtain and pay for the use of the content subject to copyright and related rights through a secure online platform, or in cases where the content cannot be obtained directly, the possibility to contact

the collective management organisation or any other third party managing the rights.

5. The Commission is empowered to take measures to ensure that the database is managed in an independent and transparent manner.

Or. en

Amendment 923

Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin, Helga Trüpel

Proposal for a directive

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14 a

Unwaivable right to equitable remuneration

1. Member States shall ensure that when a performer or audiovisual author has transferred or assigned his making available right to a producer, that performer or audiovisual author shall retain the right to obtain an equitable remuneration.

2. This right to obtain an equitable remuneration for the making available of the performer or audiovisual author's work is inalienable and cannot be waived.

3. The administration of this right to obtain an equitable remuneration for the making available of the performer or audiovisual author's work shall be entrusted to collective management organisations representing audiovisual authors and/or performers, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to performers or audiovisual authors for their making available right.

4. Performers' and audiovisual authors' collective management organisations shall collect the equitable remuneration from audiovisual media services making works available to the public.

Or. en

Amendment 924

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 15 – title

Text proposed by the Commission

Amendment

Contract adjustment mechanism

***Remuneration for the use of works or
performances***

Or. en

Amendment 925

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 Member States shall ensure that authors and performers are entitled to a proportionate and equitable remuneration of the revenues derived from the exploitation of their works. Member States shall also ensure that representative organizations of authors and performers, whether collective management organizations, unions or guilds, and representative organizations of users, set standards for equitable and proportionate remuneration of authors and performers for the use of their works and performances, taking into account the specificities of each sector.

Or. en

Justification

The fair remuneration of authors and performers should be here affirmed as a general EU principle and not just implicitly as a consequence of a contract adjustment mechanism. This may contribute to a just protection of their work in accordance to the fundamental principles of EU law. Given that authors' and performers' careers are usually too unstable for them to challenge their contracts in courts, it will be in practice very useful and less expensive for them to allow representative organizations to challenge collectively their contracts or interests in court.

Amendment 926

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

***-1 Die Mitgliedstaaten stellen sicher, dass
Urheber und ausübende Künstler ein Recht
auf eine angemessene und gerechte Vergütung
aus den durch die Verwertung ihrer Werke
entstehenden Einnahmen haben.***

Or. de

Amendment 927

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 Member States shall, in any case, ensure that authors and performers are entitled to a fair and proportionate remuneration of the revenues derived from the exploitation of their works.

Or. en

Amendment 928

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 Member States shall ensure that authors and performers are entitled to a proportionate remuneration of the revenues derived from all models of exploitation and every use of their works.

Or. en

Amendment 929

**Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis,
Marc Tarabella, Pervenche Berès, Theresa Griffin**

Proposal for a directive

Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

***-1 Member States shall ensure that authors
and performers are entitled to a proportionate
remuneration of the revenues derived from all
modes of exploitation and every use of their
works.***

Or. en

Amendment 930
Jytte Guteland

Proposal for a directive

Article 15 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

***-1 a Member States shall ensure that authors
and performers are entitled to proportionate
and equitable remuneration of the revenues
derived from the exploitation of their works.***

Or. en

Amendment 931
Luis de Grandes Pascual

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Los Estados miembros velarán por **que** los autores **y los artistas** intérpretes o ejecutantes tengan derecho a **solicitar una** remuneración **adecuada a** la parte con la que **hayan** suscrito un contrato para la explotación de los derechos en caso de que la **remuneración** inicialmente pactada sea **desproporcionadamente baja** en comparación con **las** ingresos y beneficios **subsiguientes derivados de la explotación de las obras o interpretaciones**.

Amendment

Los Estados miembros velarán por los autores, **artistas e** intérpretes o ejecutantes, **para que** tengan derecho a **una remuneración adicional equitativa derivada de la explotación de sus obras**.

La remuneración **adicional deberá ser ajustada para** la parte con la que **se haya** suscrito un contrato para la explotación de los derechos, en caso de que la inicialmente pactada sea **desproporcionalmente inferior** en comparación con **los** ingresos y beneficios **netos percibidos y previstos al inicio de dicha explotación**.

Or. es

Justification

Con frecuencia los autores e intérpretes se ven obligados a ceder sus derechos por precios menores de lo que pudiera significar el valor de su obra. Cuando sus obras ven incrementadas su valor de manera sustancial, es necesario garantizar que su remuneración sea ajustada conforme a la explotación real y no prevista, de dichas obras.

Amendment 932
Daniel Buda

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Statele membre ***se asigură că*** autorii și artiștii interpreți sau executanți au dreptul de a cere o remunerație suplimentară adecvată părții cu care au încheiat un contract pentru exploatarea drepturilor atunci când remunerația convenită inițial ***este*** disproporționat de scăzută în raport cu veniturile și beneficiile relevante ulterioare obținute din exploatarea operelor ori a interpretărilor sau a execuțiilor.

Amendment

Statele membre ***pot decide dacă*** autorii și artiștii interpreți sau executanți ***a căror contribuție este semnificativă având în vedere opera ori interpretarea sau execuția în ansamblu*** au dreptul de a cere ***ajustarea contractului sau*** o remunerație suplimentară adecvată părții cu care au încheiat un contract pentru exploatarea drepturilor atunci când remunerația convenită inițial ***devine*** disproporționat de scăzută în raport cu veniturile ***nete*** și beneficiile relevante ulterioare obținute din exploatarea operelor ori a interpretărilor sau a execuțiilor. ***La evaluarea disproporționalității, sunt luate în considerare circumstanțele corespunzătoare fiecărui caz în parte, inclusiv natura și importanța contribuției autorilor și artiștilor interpreți sau executanți la opera ori interpretarea sau execuția în ansamblu.***

Or. ro

Amendment 933

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Les États membres veillent à ce que les auteurs, interprètes et exécutants aient le droit de demander, à la partie avec laquelle ils ont conclu un contrat d'exploitation des droits, une rémunération supplémentaire appropriée lorsque la rémunération initialement convenue est exagérément faible par rapport aux recettes et bénéfices ultérieurement tirés de l'exploitation des œuvres ou interprétations.

Amendment

Les États membres veillent à ce que les auteurs, interprètes et exécutants aient le droit de demander, à la partie avec laquelle ils ont conclu un contrat d'exploitation des droits, une rémunération supplémentaire appropriée lorsque la rémunération initialement convenue est exagérément faible ***ou inattendue*** par rapport aux recettes et bénéfices ultérieurement tirés de l'exploitation des œuvres ou interprétations ***sous réserve que ces mesures ne soient pas incluses dans le contrat initial.***

Les Etats membres pourront prévoir l'expiration de ce droit lorsque celui-ci ne sera pas exercé dans un délai raisonnable à compter de l'acte d'exploitation en question.

Or. fr

Amendment 934
Antanas Guoga

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to ***request additional, appropriate remuneration from the party with whom they entered into a contract*** for the exploitation of ***the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the*** works or performances.

Amendment

Member States shall ensure that authors and performers are entitled to ***an*** appropriate remuneration for the exploitation of ***their*** works or performances.

Or. en

Amendment 935

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to ***request*** additional, ***appropriate remuneration*** from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from ***the*** exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers are entitled to ***claim*** additional, ***equitable contractual adjustments*** from the party with whom they entered into a contract for the exploitation of the rights, ***or their successors in title***, when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from ***all forms of*** exploitation, ***direct or indirect*** of the works or performances. ***Authors and performers may individually or collectively appoint a representative organization to file such claim on their behalf.***

Or. en

Justification

Rights in completed works and catalogues of works are frequently sold, production companies disappear, and very often the company in control is no longer the production company with whom authors or performers entered into the contract. Therefore it shall be clarified, that they can claim contractual adjustments, including additional remuneration, from the producer's successor in title if this happens.

Amendment 936
Emil Radev

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Държавите членки гарантират, че авторите и артистите изпълнители имат право **да поискат подходящо допълнително възнаграждение от страната, с която са сключили договор за упражняване на права, когато първоначално договореното възнаграждение е несъразмерно ниско в сравнение с** последващите приходи и ползи от използването на **произведенията или изпълненията**.

Amendment

Държавите членки гарантират, че авторите и артистите изпълнители имат право **на пропорционално и справедливо** възнаграждение **от** последващите приходи и ползи от използването на **техните произведения**.

Or. bg

Amendment 937
Jens Rohde

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the ***unanticipated*** subsequent relevant ***net*** revenues and benefits derived from the exploitation of the works or performances.
This mechanism shall guarantee fair compensation, taking into account the specificities of each sector.

Or. en

Justification

The revenues must be unexpected, not only for the author or performer but also the contracting party before a right of renegotiation can be afforded. Due costs and investments to the work need to be taken into account when assessing the revenue. In order to avoid legal uncertainty, the special features of different sectors need to be taken into account.

Amendment 938
Sajjad Karim

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States ***shall ensure that*** authors and performers ***are entitled*** to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration ***originally*** agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States ***may provide for*** authors and performers to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances. ***Factors determining disproportionate remuneration shall include the nature, significance and contribution to the work of the author or performer.***

Or. en

Amendment 939

Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights **when** the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers, **or representatives they appoint**, are entitled to request additional, **fair**, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights, **or their successor in title, when it is duly justified to claim that** the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 940

Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, ***appropriate*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers are entitled to request additional, ***equitable*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 941

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to ***request*** additional, ***appropriate*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers, ***individually or through representative organisations***, are entitled to ***claim an*** additional ***and equitable*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 942
Jytte Guteland

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to ***request*** additional, ***appropriate*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent ***relevant*** revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers ***or any representatives appointed by them*** are entitled to ***claim*** additional remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 943

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Die Mitgliedstaaten **gewährleisten**, dass Urheber und ausübende Künstler das Recht haben, eine zusätzliche und angemessene Vergütung von der Partei zu verlangen, mit der sie einen Vertrag über die Verwertung ihrer Rechte geschlossen haben, wenn die ursprünglich vereinbarte Vergütung im Vergleich zu den späteren einschlägigen Einnahmen und Gewinnen aus der Verwertung der Werke oder Darbietungen unverhältnismäßig niedrig ist.

Amendment

Die Mitgliedstaaten **stellen darüber hinaus sicher**, dass Urheber und ausübende Künstler das Recht haben, eine zusätzliche und angemessene Vergütung von der Partei zu verlangen, mit der sie einen Vertrag über die Verwertung ihrer Rechte geschlossen haben, wenn die ursprünglich vereinbarte Vergütung im Vergleich zu den späteren einschlägigen Einnahmen und Gewinnen aus der Verwertung der Werke oder Darbietungen unverhältnismäßig niedrig ist.

Or. de

Amendment 944

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers ***or their representative organisations*** are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 945
Sergio Gaetano Cofferati

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers are entitled to request additional, ***proportionate and*** appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 946
Stefano Maullu

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States ***shall ensure*** that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is ***disproportionately low*** compared to the subsequent relevant ***revenues and benefits*** derived from the exploitation of the works or performances.

Amendment

Member States ***may require*** that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is ***clearly disproportionately*** compared to the ***unanticipated*** subsequent relevant ***net revenues*** derived from the exploitation of the works or performances

Or. en

Amendment 947

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to ***request*** additional, ***appropriate*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers are entitled to ***claim*** additional, ***equitable*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 948

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Where a performer has transferred or assigned an exclusive right of making available on demand, and independent of any agreed terms for such transfer or assignment, the performer shall have the right to obtain an equitable remuneration to be paid by the user for the making available to the public of his fixed performance. The right of the performer to obtain an equitable remuneration for the making available to the public of his performance shall be unwaivable and collected and administrated by a performer's collective management organisation.

Or. en

Amendment 949

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The transfer of licensing of exclusive economic rights in a given work or performance may not include or be deemed to include rights that do or did not exist at the time of the signature of the contractual arrangement.

In addition, the scope of such transfer or licensing may not include or may not be deemed to have included territories, formats, modes of exploitation, technologies or any other aspect that do or did not exist at the time of the signature of the contractual arrangement.

Or. en

Amendment 950
Antanas Guoga, Eva Maydell

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that authors and performers or their representative organisations are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when originally agreed remuneration is disproportionately low in comparison to the unexpected success and therefore net revenues derived from the exploitation of their works or performances.

Or. en

Amendment 951
Pavel Svoboda

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member states shall ensure that authors and performers or their representative organisations are entitled to claim additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to subsequent revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 952

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall provide authors with a reversion right to enable them to terminate a contract when the other party fails to meet its obligation to exploit, to promote copyright-protected works or to pay the remuneration foreseen as well as when it does not meet its regular reporting duties as foreseen in Article 14(1).

Or. en

Amendment 953

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall provide authors and performers with a reversion right to enable them to terminate a contract in case of insufficient exploitation and promotion, payment of the remuneration foreseen, as well as insufficient or lack of regular reporting.

Or. en

Justification

As most copyright contracts contain rights assignments for the entire term duration of the copyright. However, publishers and producers stop frequently promoting and exploiting these rights after 5 or 10 years. Therefore it useful to introduce a rights reversion right, as notably was introduced in Germany, allowing authors and performers to claim back their rights after a certain period of time. In this way may be ensured a fair level playing field for authors and performers

Amendment 954
Jens Rohde

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Paragraph 1 shall not apply when the contribution of the author or performer is not significant having regard to the overall work or performance or a collective bargaining agreement is in place or forms the basis for an individual agreement.

Or. en

Justification

As in Article 14, a certain significance should be established before the right of renegotiation should be entitled. In the case of collective bargaining agreements the author or performer seem to be already sufficiently protected.

Amendment 955

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that representative organisations of authors and performers may make the claim for additional, equitable remuneration on behalf of their members.

Or. en

Amendment 956

**Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis,
Marc Tarabella, Pervenche Berès, Theresa Griffin**

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***Member States shall ensure that representative
organisations of authors and performers may
make the claim for additional, equitable
remuneration on behalf of their members.***

Or. en

Amendment 957

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Any contractual provision contrary to paragraph 1 shall be null and void.

Or. en

Amendment 958
Pavel Svoboda

Proposal for a directive
Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

***Member States shall provide authors with
reversion right to enable them to terminate a
contract in case of insufficient exploitation
and promotion, payment of the remuneration
foreseen and also in case of insufficient
reporting.***

Or. en

Amendment 959

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

***Rückrufrecht wegen Nichtausübung
Die Mitgliedstaaten legen Bestimmungen fest,
nach denen Urheber und ausübende Künstler
ein ausschließliches Nutzungsrecht
zurückrufen können, wenn der Inhaber des
ausschließlichen Nutzungsrechts dieses Recht
nicht oder nur unzureichend ausübt und
dadurch die berechtigten Interessen des
Urhebers erheblich verletzt werden.***

Or. de

Amendment 960

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 bis

Termine obbligatorio per l'utilizzazione dei diritti trasferiti

Gli Stati Membri, al fine di riequilibrare il potere contrattuale tra gli autori e gli editori, possono prevedere un termine obbligatorio, di durata ragionevole, per l'utilizzazione dei diritti trasferiti dall'autore ad un terzo, a pena di regresso.

Or. it

Amendment 961

Lidia Joanna Geringer de Oedenberg, Victor Negrescu, Virginie Rozière, Sergio Gaetano Cofferati

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a Member States shall ensure that contracts include a rights reversion mechanism, allowing authors to terminate a contract in cases of unsatisfactory promotion, remuneration or lack of transparency.

Or. en

Amendment 962

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 **may** be submitted to **a** voluntary, alternative dispute resolution procedure.

Amendment

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 **shall** be submitted to **an** voluntary, alternative dispute resolution procedure.

The author's or the performer's contractual counterpart shall take part, in good faith, in the dispute resolution procedure.

Or. en

Amendment 963

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Member States ***shall*** provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Amendment

Without prejudice to other judicial remedies, Member States ***may*** provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary ***and public*** alternative dispute resolution procedure.

Or. en

Amendment 964

**Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis,
Marc Tarabella, Pervenche Berès, Theresa Griffin**

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to ***a voluntary***, alternative dispute resolution procedure.

Amendment

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to ***an*** alternative dispute resolution procedure.

Or. en

Amendment 965
Angel Dzhambazki

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Member States ***shall*** provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Amendment

Member States ***may*** provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Or. en

Amendment 966

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 16 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

***Such mechanism shall guarantee impartiality
and be affordable, equally accessible and shall
comply with the national constitutional rights
and safeguards provided for the parties.***

Or. en

Amendment 967

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Proceedings in respect of a dispute may also be brought on behalf of authors and performers by their representative organizations, whether collective management organizations, unions or guilds.

Or. en

Justification

Mediation already exists in all EU Member States and can be useful to avoid court proceedings. However, individual authors may be as reluctant to refer to the alternative dispute mechanism, as they are to a court. It would therefore be useful to open the proceedings to representative organizations of authors.

Amendment 968

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that representative organisations of authors and performers may represent their members in the alternative dispute resolution procedure.

Or. en

Amendment 969

Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin, Mady Delvaux

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that representative organisations of authors and performers may represent their members in the alternative dispute resolution procedure.

Or. en

Amendment 970

Antanas Guoga

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Proceedings in respect of a dispute may be also brought on behalf of authors and performers by their representative organisations.

Or. en

Amendment 971
Jytte Guteland

Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16 a When an organisation, on behalf of rightholders whose rights it represents, enters into a collective agreement for the exploitation of works or other subject matter, Member States may provide, subject to safeguards provided for in national law, that such an agreement may be extended to apply to rights of rightholders who are not represented by the organisation.

Or. en

Justification

A well-functioning copyright is dependent on the useful opportunities to license copyright content. Collective licensing agreements that has been existing for a long time in several Member States provide a flexible solution that enables to use a large amount of works both benefiting users and copyright holders. The new copyright directive within the digital single market should clarify the status of collective licensing agreements at EU level.

Amendment 972
Julia Reda

Proposal for a directive

Article 17 – paragraph 1 – point -a (new)

Directive 96/9/EC

Article 1 – paragraph 3a (new)

Text proposed by the Commission

Amendment

(-a) In Article 1, the following paragraph is added:

"3a. Protection under this Directive shall apply only to databases that are recorded in a single publicly accessible online registry established and managed by the European Union Intellectual Property Office."

Or. en

Amendment 973

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 17 – paragraph 1 – point a

Directive 96/9/EC

Article 6 – paragraph 2 – point b

Text proposed by the Commission

b) lorsqu'il y a utilisation uniquement à des fins d'illustration de l'enseignement ou de recherche scientifique, toujours sous réserve d'indiquer la source, dans la mesure justifiée par le but non commercial poursuivi, sans préjudice des exceptions et de la limitation prévues dans la directive [la présente directive];.

Amendment

b) lorsqu'il y a utilisation uniquement à des fins d'illustration de l'enseignement ou de recherche scientifique, toujours sous réserve d'indiquer la source, dans la mesure justifiée par le but non commercial poursuivi, sans préjudice des exceptions et de la limitation *facultatives* prévues dans la directive [la présente directive];.

Or. fr

Amendment 974
Julia Reda

Proposal for a directive

Article 17 – paragraph 1 – point a

Directive 96/9/EC

Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the ***non-commercial*** purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

Amendment 975

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 17 – paragraph 1 – point b

Directive 96/9/EC

Article 9 – point b

Text proposed by the Commission

b) lorsqu'il s'agit d'une extraction à des fins d'illustration de l'enseignement ou de recherche scientifique, toujours sous réserve d'indiquer la source, dans la mesure justifiée par le but non commercial poursuivi, sans préjudice des exceptions et de la limitation prévues dans la directive [la présente directive];.

Amendment

b) lorsqu'il s'agit d'une extraction à des fins d'illustration de l'enseignement ou de recherche scientifique, toujours sous réserve d'indiquer la source, dans la mesure justifiée par le but non commercial poursuivi, sans préjudice des exceptions et de la limitation *facultatives* prévues dans la directive [la présente directive];.

Or. fr

Amendment 976
Julia Reda

Proposal for a directive

Article 17 – paragraph 1 – point b

Directive 96/9/EC

Article 9 – point b

Text proposed by the Commission

Amendment

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the ***non-commercial*** purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

Amendment 977
Julia Reda

Proposal for a directive

Article 17 – paragraph 2 – point -a (new)

Directive 2001/29/EC

Article 2 – introductory part

Text proposed by the Commission

Amendment

(-a) In Article 2 the introductory part is replaced by the following:

"2. Member States shall provide for the exclusive right to authorise or prohibit direct or indirect, temporary or permanent reproduction by any means and in any form that preserves the inner structure of the work or other subject-matter, in whole or in part:

Or. en

Amendment 978
Julia Reda

Proposal for a directive

Article 17 – paragraph 2 – point -a a (new)

Directive 2001/29/EC

Article 5 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

***(-a a) In Article 5(1), subparagraph 1 a (new)
is added:***

***"The acts of reproduction referred to in Article
2 are considered to be permissible if they are a
necessary precondition for lawful acts of
communication to the public or making
available in accordance with Article 3.***

Or. en

Amendment 979
Julia Reda

Proposal for a directive

Article 17 – paragraph 2 – point -a b (new)

Directive 2001/29/EC

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

(-a b) In Article 5 (2) the introductory part is replaced by the following:

"2. Member States shall provide for exceptions or limitations to the reproduction right provided for in Article 2 in the following cases:"

Or. en

Amendment 980

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 17 – paragraph 2 – point a

Directive 2001/29/EC

Article 5 – paragraph 2 – point c

Text proposed by the Commission

c) lorsqu'il s'agit d'actes de reproduction spécifiques effectués par des bibliothèques accessibles au public, des établissements d'enseignement ou des musées ou par des archives, qui ne recherchent aucun avantage commercial ou économique direct ou indirect, sans préjudice des exceptions et de la limitation prévues dans la directive [la présente directive];

Amendment

c) lorsqu'il s'agit d'actes de reproduction spécifiques effectués par des bibliothèques accessibles au public, des établissements d'enseignement ou des musées ou par des archives, qui ne recherchent aucun avantage commercial ou économique direct ou indirect, sans préjudice des exceptions et de la limitation ***facultatives*** prévues dans la directive [la présente directive];.

Or. fr

Amendment 981

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 17 – paragraph 2 – point a a (new)

Directive 2001/29/EC

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

(a a) In Article 5 (2), the introductory part is replaced by the following:

"2. Member States shall provide for exceptions or limitations to the reproduction right provided for in Article 2 in the following cases:"

Or. en

Amendment 982
Julia Reda

Proposal for a directive

Article 17 – paragraph 2 – point a a (new)

Directive 2001/29/EC

Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

(a a) In Article 5(3) the introductory part is replaced by the following:

"3. Member States shall provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases :"

Or. en

Amendment 983

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 17 – paragraph 2 – point b

Directive 2001/29/EC

Article 5 – paragraph 3 – point a

Text proposed by the Commission

a) lorsqu'il s'agit d'une utilisation à des fins exclusives d'illustration dans le cadre de l'enseignement ou de la recherche scientifique, sous réserve d'indiquer, à moins que cela ne s'avère impossible, la source, y compris le nom de l'auteur, dans la mesure justifiée par le but non commercial poursuivi, sans préjudice des exceptions et de la limitation prévues dans la directive [la présente directive];.

Amendment

a) lorsqu'il s'agit d'une utilisation à des fins exclusives d'illustration dans le cadre de l'enseignement ou de la recherche scientifique, sous réserve d'indiquer, à moins que cela ne s'avère impossible, la source, y compris le nom de l'auteur, dans la mesure justifiée par le but non commercial poursuivi, sans préjudice des exceptions et de la limitation ***facultatives*** prévues dans la directive [la présente directive];.

Or. fr

Amendment 984
Julia Reda

Proposal for a directive

Article 17 – paragraph 2 – point b

Directive 2001/29/EC

Article 5 – paragraph 3 – point a

Text proposed by the Commission

(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the ***non-commercial*** purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Amendment

(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

Amendment 985
Julia Reda

Proposal for a directive

Article 17 – paragraph 2 – point b a (new)

Directive 2001/29/EC

Article 5 – paragraph 3 – point n

Text proposed by the Commission

Amendment

(b a) In Article 5(3), point (n) is replaced by the following:

"(n) use through communication or making available, for the purpose of research or private study, to members of the public of works and other subject-matter by establishments referred to in point (c) of paragraph 2 which are contained in their collections;"

Or. en

Amendment 986

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 17 – paragraph 2 – point b a (new)

Directive 2001/29/EC

Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

(b a) In Article 5(3) the introductory part is replaced by the following:

"3. Member States shall provide for exceptions or limitations to the rights provided for in Article 2 and 3 in the following cases:"

Or. en

Amendment 987
Julia Reda

Proposal for a directive

Article 17 – paragraph 2 – point b b (new)

Directive 2001/29/EC

Article 5 – paragraph 3 – point o a (new)

Text proposed by the Commission

Amendment

(b b) In Article 5(3), the following point is added:

"(oa) use through communication or making available by libraries, educational establishments, museums or archives for the purpose of publicly available catalogues of their respective collections;"

Or. en

Amendment 988
Julia Reda

Proposal for a directive

Article 17 – paragraph 2 – point b c (new)

Directive 2001/29/EC

Article 5 – paragraph 5

Text proposed by the Commission

Amendment

(b c) Article 5(5) is replaced by the following:

"5. Any contractual provision contrary to the exceptions and limitations provided for in paragraphs 1, 2, 3 and 4 shall be unenforceable."

Or. en

Amendment 989

Julia Reda, Lucy Anderson, Lidia Joanna Geringer de Oedenberg

Proposal for a directive

Article 17 – paragraph 2 – point b d (new)

Directive 2001/29/EC

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

(b d) In Article 6, paragraph 3 is replaced by the following:

"3. For the purposes of this Directive, the expression "technological measures" means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorised by the rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC, and which are not authorised by national or Union law. Technological measures shall be deemed "effective" where the use of a protected work or other subject-matter is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective."

Or. en

Amendment 990

Julia Reda, Lucy Anderson, Lidia Joanna Geringer de Oedenberg

Proposal for a directive

Article 17 – paragraph 2 – point b e (new)

Directive 2001/29/EC

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

(b e) In Article 6(4), the following subparagraph is added:

"The protections provided for in paragraph 1 and 2 shall not apply to acts described in paragraph 1 and 2 whose sole purpose is to enable a user's right to enjoy the exceptions and limitations to copyright and related rights outlined in this Directive or in Directive 96/9/EC, Directive 2009/24/EC Directive 2012/28/EU or Directive ... [this directive], to the extent necessary to benefit from that exception or limitation and where that beneficiary has legal access to the protected work or subject-matter concerned;"

Or. en

Amendment 991

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 17 – paragraph 2 – point c

Directive 2001/29/EC

Article 12 – paragraph 4 – point e

Text proposed by the Commission

Amendment

e) d'étudier l'incidence de la transposition de la directive [la présente directive] sur le ***fonctionnement du marché intérieur*** et de mettre en lumière toute difficulté de transposition;

e) d'étudier l'incidence de la transposition de la directive [la présente directive] sur le ***bon équilibre entre les intérêts de toutes les parties prenantes*** et de mettre en lumière toute difficulté de transposition;

Or. fr

Amendment 992

Jean-Marie Cavada, Robert Rochefort, Frédérique Ries, Joëlle Bergeron, António Marinho e Pinto

Proposal for a directive

Article 17 – paragraph 2 a (new)

Directive 2001/29/EC

Article 12 – paragraph 4 – point g a (new)

Text proposed by the Commission

Amendment

2 bis. In Article 12(4) the following point is added:

"(ga) d'inclure les éditeurs et les agences de presse pour qu'ils soient ajoutés à la liste des bénéficiaires de droits voisins énumérés dans l'article 2 de la directive 2001/29/CE pour le droit à reproduction."

Or. fr

Amendment 993
Kosma Złotowski

Proposal for a directive
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States may adopt or maintain in force broader provisions, compatible with the exceptions and limitations existing in Union law, for uses covered by the exceptions or the limitation provided for in this Directive

.

Or. en

Amendment 994

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 17 – paragraph 2 a (new)

Directive 2006/115/EC

Article 6 – paragraph 1

Present text

2 a.

"

Member States may derogate from the exclusive right provided for in Article 1 in respect of public lending, provided that at least authors obtain a remuneration for such lending. Member States shall be free to determine this remuneration taking account of their cultural promotion objectives.

"

Amendment

2 a.

Article 6 - paragraph 1 is replaced by the following:

"

Member States may derogate from the exclusive right provided for in Article 1 in respect of public lending, provided that at least authors obtain a remuneration for such lending, ***without prejudice to the exceptions provided for in Directive [this Directive]***. Member States shall be free to determine this remuneration taking account of their cultural promotion objectives.

"

Or. en

(This amendment seeks to amend a provision within the existing act - Article 6, paragraph 1 - that was not referred to in the Commission proposal.)

Amendment 995

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

***2. The provisions of Article 11 shall also apply ~~deleted~~
to press publications published before [the date
mentioned in Article 21(1)].***

Or. en

Amendment 996
Daniel Buda

Proposal for a directive
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Prevederile articolului 15 se aplică numai în situațiile în care remunerația a devenit surprinzător de disproporționată după [data menționată la articolul 21 alineatul (1)].

Or. ro